

In this edition of Collaborate Page

Simple Procedure
SMN's response to the recent consultation on court rules. 1

Success at The Gathering
May Millward reviews two days at the Gathering in February. 2

Work with Young Gypsy/
Travellers 3
An update on work developing conflict resolution skills with young Gypsy/Travellers.

Mediation in Planning 4
How the use of mediation could help connect people to the planning process

Verification 7
Dates and support for this years verification process

Board Profile and network news 8,9
A profile of new Board member Callum Murray and Network news.

Workplace Employment Initiative group 10
Details of next meeting

Adverts from
University of Strathclyde
Scottish Community Mediation Centre, Mediation Partnership and Core Solutions.



Simple Procedure

At the beginning of March the Scottish Mediation Network submitted its response to the Scottish Civil Justice Council on the proposed new Simple Procedure Rules for civil cases up to a value of £5000 in the Sheriff Court.

The key points made were that: there needs to be greater guidance on what mediation is; that there is a need to encourage mediation at all stages including before a case comes to court; that court officials, such as the Sheriff Clerk could have a role to play in identifying cases suitable for mediation; that mediation should be highlighted as an option on claim forms; and, that there needs to be advice and information on how parties can access mediation.

The Scottish Mediation Network has developed a model which would facilitate access to ADR/negotiation. In order to deliver such services across Scotland it is vital that appropriate mediation services are established as quickly as possible.

Consideration needs to be given to how both parties and the courts can be assured that the ADR/negotiation they are able to access is properly regulated and quality assured. The Scottish Mediation Network holds a register for all mediators in Scotland. It provides for complaints against mediators to be dealt with, standards of practice specified, initial training and ongoing CPD and development to be specified and checked.

Success at The Gathering

May Millward

In February the Scottish Mediation Network exhibited and ran a workshop at The Gathering in Glasgow for the first time. The Gathering is the largest third sector event in the UK attended by around 3500 people and packed full of interesting information about the third sector. It was an ideal opportunity for us to spread the word about our Third Sector Mediation Project. In addition to speaking to around 100 people who visited our stand we enjoyed visiting the other exhibits and finding out about the issues facing third sector organisations, in what is a very challenging time. In addition to

between a chair and an employee of a voluntary organisation at a time when the organisation needed to change its strategy to survive. This appeared to be a very successful way of helping people to understand the process of mediation which can otherwise be a bit mysterious! The scenario clearly resonated with many of the audience who could relate it to similar situations in their own organisations.

The Scottish Mediation Network Third Sector Project offers free or low cost mediation to small charities and voluntary group accessed through the Scottish Mediation Helpline 0131 556 8118. Hopefully our presence at the Gathering will raise awareness of the project more widely and enable us to assist more third sector organisations in the future.



SMN CPD Dates 2016

The CPD dates for this year are as follows:

uncertainty over funding, many organisations are having difficulties with partnership and collaboration issues and mergers are sometimes creating difficulties.

There was a great deal of interest in how mediation can help in all of these scenarios, in addition to more straightforward interpersonal issues. One message that came across clearly was that there is a role for mediation in the early stages of change to nip issues in the bud and avoid them escalating into major problems that can jeopardise the whole organisation.

In our workshop we demonstrated how mediation can be used in third sector organisations by providing a brief mock mediation focussing on difficulties be-

Autumn CPD—Topic to be Confirmed

- Edinburgh 4th October
- Glasgow 5th October
- Aberdeen 13th October

Thank you to all those who have attended **the Neutrality in Mediation CPD's** which have had a great turnout and feedback has been very positive.

Work With Young Gypsy/Travellers

Kathryn Hilditch

SMN follow up on work with young Gypsy/Travellers

On returning from maternity leave in January, I was excited to find an email in my inbox from Jill Keegan, Projects Director at Article 12, suggesting that she was keen to discuss possibilities for future partnership working relating to mediation and the Gypsy/Traveller community. Avid Collaborate readers amongst you may remember that Carol and I previously delivered training to a group of young Gypsy/Travellers from Article 12, introducing them to how mediation works and the skills involved.

Both SMN and Article 12 are now keen to follow up on this work with a view to developing a project which supports Gypsy/Travellers more widely to develop mediation and conflict resolution skills with the aim of supporting them to deal effectively with potential conflict situations. The first step on this journey was a follow-up training day on the 22nd

March with the young people to further develop their skills and consider how best to take the project forward. Carol and I thoroughly enjoyed working with such a great group of young people again and are excited by the prospect of where this work could take us.

The next step will be for the young people to begin discussing mediation and conflict resolution skills with other people within their community to identify any interest for further information or training. We will keep in touch with them and Article 12 during this time to ensure that we offer them any support that **they need. I'll keep you updated as the work progresses.**

If you would like to discuss any aspect of this work, or hear more about it, please contact me at: kathryn@scottishmediation.org.uk. Also, look out for an interview with the young people which will appear in the next edition of Collaborate!



better conversations
better outcomes

WHY SUGGEST MEDIATION TO YOUR CLIENTS?

- HELPS THEM GET A QUICKER SOLUTION
- REDUCES COST TO THEM
- HELPS THEM PRESERVE RELATIONSHIPS
- COULD CREATE EXTRA VALUE FOR THEM
- LETS THEM GET ON WITH OTHER BUSINESS
- BETTER FOR REPUTATION
- CAN REBUILD IMPORTANT BRIDGES
- **THEY WILL COME BACK TO YOU**
- **AND REFER OTHERS TO YOU....**

INTERESTED IN TRAINING IN MEDIATION SKILLS?

CORE'S RESIDENTIAL SUMMER SCHOOL
 "It is the best training course I have been on in twenty years, and well worth the price."
 "Positive and inspiring... it should be compulsory".

Early Bird rates!

Residential Summer School*: Using Mediation Skills as a Leader
 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 free standing three day course. The Summer School is also a prerequisite, as Module 1, for attending Modules 2 and 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

Mediation in Planning

Graham Boyack

The use of mediation could help connect people to the planning process

In December the Network was delighted to **respond to the Scottish Government's consultation** on the future of the planning system. We are firmly of the view that the review offers an opportunity to radically improve the system in Scotland. A key factor in achieving this would be for Scotland to become a leader in the use of mediation in planning. The discussions which took place in the process of preparing the Community Empowerment (Scotland) Act 2015 highlighted the desire for more effective local conversations within communities and the greater use of mediation would support and complement this approach.

Key Benefits of Mediation in Planning

There are many benefits which can be gained from the wider use of mediation in the planning process, including:

Flexibility: Mediation can provide the opportunity for solutions to be developed that may not be possible in an adversarial system.

Efficiency: The effective use of mediation, particularly as part of pre-consultation processes, has the potential to speed up the process.

Ownership: The greater involvement of the community in the process gives the potential for wider community ownership of developments.

Maintaining Relationships: The opportunity to retain or rebuild trust where stakeholders are likely to meet again.

Accessibility: Mediation ensures that different voices are given the same air time and encouraged to contribute.

Shared Learning and Capacity Building: By equipping people with mediation skills, communities can benefit in the longer term.

Creativity: When people are guided in using mediating ways to resolve their differences it can frequently spur a third way from which all benefit.

The main impact of mediation would be in changing the dynamic of the early stages of planning discussions. By focussing on the interests of all those involved, it may be possible to better engage communities in the decisions that affect them. This can take place prior to getting into the quasi-legal process that tends to push people and organisations apart, as being for or against proposed developments. Ideally, therefore, mediation would be implemented as early in the process as possible, with the earliest stages of development planning being the ideal starting point.



The International Picture

In examining the changes that could benefit the Scottish planning system the Network believes that international evidence shows that mediation can be a positive integral part of the system. Below, a number of examples of the use of mediation in planning in different jurisdictions are outlined.

Austria

One of the biggest planning mediation procedures achieved in Europe was a five-year mediation to resolve conflicts around proposals

Mediation in Planning cont'd

Graham Boyack

for major infrastructure expansions for Vienna International Airport. The process involved over 60 representatives from 50 different groups, and dealt with a wide range of disparate issues.

A balance was struck that (a) helped protect affected residents and limited future noise pollution to minimise the area of affected residents, while (b) supporting economic growth by allowing airport expansion.

New Zealand

New Zealand has a number of specialist courts, one of which is the Environment Court which deals with substantial matters that are of public interest. Mediation and ADR have become increasingly important aspects **of the Court's work including policy and planning.**

Mediation and ADR are used to encourage settlement, narrow and settle issues within disputes, and reduce complexity in advance **of a hearing. "Success" is therefore not restricted to finding a complete solution but to**



supporting and simplifying later stages in the process and making court hearings more efficient. The number of mediations rose from 6 in 1993 to 449 in 2006-7.

South Africa

In South Africa the National Land Reform Mediation and Arbitration Panel operated from 1995 – 2000 and handled 225 mediations. The terms of reference were to establish a national panel of mediators, trained and accredited, as a resource in preventing and resolving land disputes. Interventions aimed to promote consensus, facilitate fair community participation and ensure efficient use of financial and human resources. The experience showed that mediation can help seemingly intractable opponents find common ground or common solutions. It also showed that successful mediation can have long-lasting positive effects on the relationship of the key protagonists.

In summary the international examples above show the potential for great benefits from the use of mediation in the planning system. Mediation offers a way for everyone involved in a planning decision to have an equal opportunity to express their view and to contribute to planning decision-making. The mediator(s) will offer a chance for different groups to express their views and work together to find any areas of consensus. This would directly counteract the power imbalances (real or perceived) which currently face the Scottish planning system. This would also help to foster good relations between groups and be a step towards a more collaborative and inclusive future planning process.



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

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

T: 0141 548 5998



Network News

SMN Membership Survey 2016

If you, or your organisation, are a member of SMN, you should have received an email including a membership survey a couple of weeks ago. This survey has been devised to ensure that SMN have all of the necessary information to meet your needs as a membership organisation. We therefore really value the information that you can provide us with regarding the current position of mediation in Scotland, how well we are currently meeting your needs, and what else we could do to meet them more effectively.

We have had a good number of responses already so thank you to those who have **completed it so far. If you haven't already, we would really appreciate it if you could take the time to do this.**

There are two versions of the survey; one short, which we expect will take you around

10 minutes to complete, and one long, which may take around 30 minutes. Please respond to one of the surveys depending on how much time you have available.

The deadline for completion of the survey is 31st March 2016 so please complete it before then. If you have any queries regarding completion of the survey, or do not think you have received the email, please call Kathryn on 0131 556 1221 or email kathryn@scottishmediation.org.uk. Many thanks!

Welcome to SMN

Scottish Mediation Network are delighted to welcome three new member since the January edition of Collaborate was published.

Maureen Morrison, Alastair Sharp and Caroline Johnson all join the Scottish Mediation Register as Practitioners.



THE MEDIATION PARTNERSHIP SMR Accredited Mediator Training

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



Dates: Thurs 12th & Fri 13th, Weds 25th & Thurs 26th May 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

Board Profile—Callum Murray

What is your day job?

I run a tech startup called Amiquis Resolution, we've built our first product 'AmiquisID' which handles identity and anti money laundering compliance checks. Overall the value behind what I do is improving access to justice. Ultimately we're building 'Amiquis' which is an online platform using machine learning and computing science to inform people about relevant options to resolve disputes, including of course mediation whether on or offline.

What motivates you to get up on a Monday morning?

Scotland is an exciting place to be with huge opportunities for technology businesses, our **government is focused on building a fair, open and civil society. Essentially we're pushing at an open door. Once we've proven the concept in Scotland we're going to scale things up and provide access to information / ADR to people who otherwise have very little or no options to resolve disputes.**

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

I'm a recent addition to the board, joining in January of this year. I've been a Co-chair of Young Mediators' for the last three years and been part of its growth from a standing start to now 200 members and our latest branch opening in London last month. We've always been keen to collaborate with other groups and we were delighted when asked to represent Young Mediators within Scottish Mediation.

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

I originally gained my mediation accreditation in London, once I got back to Edinburgh I looked into applying to list on the Scottish Mediation Register. I had some experience in workplace mediation so I joined the Workplace and Employment Information Group (WEIG) which meets quarterly.



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

I was involved with the Young Mediators in providing feedback for the planning of Mediate 2014 & 2015. It was good to see the work behind the scenes come together and bring hundreds of mediators together from all different backgrounds and specialisms. Both conferences were excellent, the collaboration and progress made in improving awareness of mediation, standards and its use in a cross section of life is clear and ever increasing.

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

In my experience coming from an entrepreneurial background, there's a big focus on delivering tangible metrics, customer focused innovation and return on investment.

I think through analysis we can demonstrate a really strong case highlighting the value mediation skills are bringing to Scotland as a whole. Getting the message out more widely to business and education are important to help embed a mediation culture into the way we live and work in Scotland.

Board Profile cont'd and Network News

Having attended this year's first board meeting, I know that lots of work is ongoing and these things are in hand.

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

I'd like to see mediators held in the same esteem as Advocates or Barristers. When a business has a big enough problem, their default is often to call their Solicitor who in turn may suggest they take an opinion from counsel.

A legal opinion often leads to an adversarial route rather than a commercial one. Perhaps a mutually acceptable alternative would be for legal advisors to advocate the use of mediation as an obvious default first stop. **To achieve this we'd probably need to help expose young solicitors and lawyers to mediation....Which itself poses the question, what or who is a mediator?** I know lots of good solicitors who are also great mediators.

What keeps you busy outside of work?
Running a startup is often all consuming. I travel a lot and have 7 weddings to attend this year so I'll mostly be busy going to stag

doo's then wearing a kilt and dancing to 'Loch Lomond'. When I've got some time, I plan to improve my work / life balance.

Verification 2016

This years sample of members of the Scottish Mediation register have now been chosen by random draw.

People have responded quickly and already a number of completed verifications have been received and approved.

The process involves mediators on the Scottish Mediation register submitting mediation logs and records of training and development undertaken in order to both maintain and develop the standard of their mediation practice.

Five-Day Mediation Skills Course 2, 3, 9, 10 & 17 June 2016, Edinburgh



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 infoscmmc@sacro.org.uk Course Fee is £600 per participant

Workplace Employment Initiative Group

March 2016

Dear SMN colleague

Our next meeting will be on Wednesday 8th June at the SMN office in Edinburgh. Our main meeting will start at 2pm with a CPD extra session led by Dorothy McKinney at 12.45pm.

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.

The meetings consist of two parts. The main session involves a speaker leading a discussion on areas relating to either initiatives or practice around workplace mediation. The last meeting heard from Carolyn Hirst on the power of apology and its impact in mediation. Previous speakers have included Matthew Vickers, Deputy Director of Ombudsman services who spoke on the use of mediation in the work of the ombudsman. The CPD extra session involves the presentation of a case study from one of the group giving the opportunity for reflection on practice and the input of colleagues.

Please email admin@scottishmediation.org.uk if you are able to attend.

Looking forward to meeting up,

Slainte

Linn

Linn Phipps, Chair, SMN WEIG, 07917 564440