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## High Demand for Workplace Mediation

Graham Boyack

When I first joined the Network I was aware of the use of mediation in international conflicts like the Middle East, but apart from that the only area I had heard of mediation was in the workplace. I knew someone who had been a party in a workplace dispute that used mediation and had been impressed by the way the process had facilitated people hearing each **other's point of views and in its ability to recognise that the solutions weren't limited to legal and contractual solutions.**

Since joining the Network I have now met with many workplace mediators, with lawyers involved in employment disputes, with people who work in human resources and people who support employees such as trades unions and advocates. One of the most common **comments I've heard from all these people are that when they have become involved in mediation they use the phrase "I wish I'd had this conversation a while ago".**

I was therefore very interested to see the results of two surveys published within the last few months. The Chartered Institute of Personnel and Development (CIPD) published **"Getting under the skin of workplace conflict: Tracing the experiences of employees"** and the Chartered Management Institute published their research **"Difficult Conversations"**.

# High Demand for Workplace Mediation

Graham Boyack

The CIPD Research based on a representative survey of 2195 UK employees found that four in ten employees faced conflict of some sort in the workplace with the most common being conflict with line managers and supervisors. The main impact is stress, a drop in motivation and commitment with a smaller number either being unproductive and in one in ten situations either the employee or the line manager leaving their job. Another potential impact is sickness absence.



In terms of how conflict is dealt with the CIPD research points out that resolution is achieved through a mixture of formal and informal channels. They comment **"In particular this should include approaches such as mediation, which are currently rarer options than formal channels, but importantly provide a way to facilitate informal discussions. It does little good to rely on grievance and discipline procedures alone, as this will often mean conflict festers until it escalates to a serious level."** The research also points

**out that "even in relatively small organisations, we need concerted action to develop the skills and encourage methods, such as mediation, that enable more direct and informal approaches. Such action may not make the more established grievance and discipline procedures redundant, but will help nip potentially very damaging conflict in the bud."**

Given the above comments what is perhaps most concerning is that **"1.5% of employees who report conflict used mediation, most of which was provided by the employer."** There is a gap that needs to be bridged and work needs to be done to make mediation more widely used.



In the CMI report the issue of conflict is examined from a different perspective. They have looked at difficult conversations in the work place and found that there is a great reluctance to engage in such conversations and **that "Brits find it harder to ask their boss for a pay rise than to dump a partner"**.

When cross referenced with the CIPD study on workplace conflict my conclusion would be that most people are not generally equipped to have the early conversation that might **reduce conflict and that when conflict occurs they don't have access to one of the main tools (mediation) to resolve it.**

## High Demand For Workplace Mediation Cont'd



Their research has found that the top three difficult conversations in the workplace are pay, colleague's inappropriate behaviour and feedback on poor performance. 66% of employees indicated that they had felt stressed or anxious when they knew that they had a difficult conversation coming up. Related to this it was also found that 80% of those surveyed had never received any training in how to tackle difficult conversations at work.

When cross referenced with the CIPD study on workplace conflict my conclusion would be that most people are not generally equipped to have the early conversation that might reduce conflict and that when conflict occurs they don't have access to one of the main tools (mediation) to resolve it.

For the Network the research reinforces our efforts to make people aware of mediation, how they can access it and how to learn the skills of mediation. The more people in the workplace are aware of the skills of mediation (whether they are called mediation skills or difficult conversation skills or indeed something else) the more people will be able to identify that they need somebody independent to help them resolve their disputes.

In recent years it has been estimated that the costs of stress related absence from work cost the Scottish economy £300 million. As mediation could make a significant impact on workplace disputes then it's got to be worth using more.



### THE MEDIATION PARTNERSHIP SMR Accredited Mediator Training Course Aberdeen



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

**Dates: Thurs 17th & Fri 18th Sept, Thurs 1st & Fri 2nd Oct 2015 + Optional Assessment**

**15% Discount for Public & Voluntary Sector & Self-funded +  
£100 Early Booking Discount (by 31st July 2015)**

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)



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



# Peer Mediation—The Research

Roxan Nazifishirayi

Most of the research around peer mediation has been done within schools, primary and secondary. The research has highlighted both the benefits for school communities as a whole, as well as for individual pupils involved with peer mediation.



What are the benefits of peer mediation for school communities?

Extensive research on peer mediation programs show that they are indeed successful in improving school climate by teaching pupils to constructively deal with conflict. This in turn reduces student-to-student conflict as well as suspensions and discipline referrals, and further improves relationships between peers

as well as between pupils and teachers – creating a healthy school climate. Results from peer mediation programs show that when conflict arises and is dealt with by a peer mediator, there is around a 90% agreement rate and satisfaction of outcome by pupils! Similarly, teachers and parents are also highly satisfied with the outcomes of mediation sessions.

What are the specific benefits for individual pupils?

Specifically, peer mediation programs have been shown to lead to improvement in controlling anger, developing appropriate assertiveness skills, and learning problem solving skills in young people. Other skills that it helps develop are communication/language skills, leadership abilities and general interpersonal skills. Peer mediation also increases empathy, trust, tolerance, respect, and fairness for all pupils involved with it. For peer mediators themselves, learning the mediation process has been shown to specifically increase self-esteem and confidence, as well as improve academic achievement. When peer mediators experience their ability to make a profound difference in the lives of others, and their contribution is valued by adults and peers alike, it has a positive, upward spiral effect for them

Do these benefits extend beyond the school environment?

Yes, studies have shown that participation in peer mediation training gives pupils skills to use in their lives outside of the classroom and school, and has a significant impact on the strategies pupils use to resolve conflicts in their homes. So, being a mediator helps pupils approach conflict in their own lives and in their communities with new perspective and skill.

**“For peer mediators themselves, learning the mediation process has been shown to specifically increase self-esteem and confidence, as well as improve academic achievement.”**

# Third Sector Mediation Scheme Launches

Tracey Bird, SCVO

Trouble and strife? Try mediation

SCVO's new mediation service can help nip any thorny issues in the bud

Charity trustees, staff and volunteers sometimes **don't see eye to eye**. Board members often have big personalities; they are used to being in charge and their drive helps get things done, but it can also lead to conflict.

An informal conversation will usually stop a difficult situation from escalating into a crisis. But when relationships break down, problems fester and disagreements can become serious. An **organisation's effectiveness will be hampered** and good people may leave in frustration. This creates instability and can see spell major problems for the future.

SCVO's Information Service gets regular enquiries of the nature I have just described. Until recently we have tried to help people over the phone, refer them to local support networks or where appropriate to our pro-bono legal service.

**"Mediators make sure both parties get a chance to state their case, listen to each other and work through what is important to them"**

But we wanted to do more, so we spoke to one of our members, the Scottish Mediation Network (SMN), about developing a pro-bono mediation service just for the third sector. Over the last few months, the marvellous May Milward of SMN has worked with mediators to create a prototype. The result is that third sector organisations can now access up to two hours of free advice over the **phone**. **But that's not all** – if callers meet certain criteria, they can be matched with a qualified mediator.

**So what is mediation? It's where an independent third party helps people who are in disagreement to agree on mutually acceptable solution.** The mediator helps the parties to talk through issues and possible options, with a view to settling their dispute.



## Resolve conflicts at an early stage

### Mediation Skills for HR

Perth 9th and 10th November 2015    £275 + VAT

This experiential 2-day 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.

[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




## Third Sector Mediation Scheme Launches

Tracey Bird, SCVO

A mediator does not take sides or make judgments. Instead they make sure that both parties get a chance to state their case, listen to each other and work through what is important to them.

Mediation can only take place if both parties agree firstly that they want to find a solution. Mediation is a private and confidential process, and the costs are usually shared by the parties in dispute. **We're really looking forward to working with SMN to provide this extra help to the sector. We're going to work closely with them to identify recurring issues or common experiences to help us develop further toolkits and information.**

**If you're reading this and involved in an organisation where trouble is brewing, here's a couple of tips to remember:**

A good induction is so important for staff and board members. Everyone should know **their roles and responsibilities and what's expected of them.** Consider drawing up a code of conduct.

Problems with relationships between staff can and do occur. Board members may have no experience of people management. **That's why it's good to set out a comprehensive management and supervision policy, and have clear channels of communication between board and staff.**

All trustees are responsible for keeping the overall organisation strategy in mind. If there are internal problems, they should help people to work together and settle any differences. Mutual respect is vital, as is the willingness to talk through any issues.

If all else fails and you need some outside help, remember that you can now contact the Scottish Mediation Helpline on 0131 556 8118.

**You're not alone – we've already had our first referral**

### Five-Day Mediation Skills Course 10, 11, 17, 18, 23 September 2015 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: Tel 0131 624 5400 or e-mail [infoscmmc@sacro.org.uk](mailto:infoscmmc@sacro.org.uk) Course Fee is £600 per participant

## Mediating Conversations about Conflict at the Festival Fringe: A Review of "Why Didn't We Have This Conversation a Year

Core Solutions hosted three very successful events on mediating conflict at this year's Festival Fringe. Facilitated by John Sturrock, each evening featured a panel of guest conversationalists who discussed a current topic where conflict abounds: the church, the constitution and the climate.

Nearly 200 people attended over the three nights and were encouraged to consider conflict from new perspectives. Each session commenced with the audience engaging in conversations about conflict within their own lives and work and reflecting on what happens. They then considered the topic of the evening from the perspective of a number of interest groups relevant to that evening's theme. Highlights included an honest, thoughtful and **provocative discussion on the topic, "Can we take the Bible both literally and seriously"?** with the Very Rev John Chalmers, formerly Moderator of the Church of Scotland; Rev Scott McKenna, Mayfield Salisbury Parish Church, Edinburgh; and Rev Canon Dave Richards, Rector, St Pauls and St Georges Church, Edinburgh. This night saw the largest turnout, with over 80 people in attendance.

**"Some of our politicians now impress me"** one of the audience members commented after listening to John Swinney MSP, Deputy First Minister of Scotland, and Bernard Jenkin MP, Chair of the Public Administration and Constitutional Affairs Select Committee in the House of Commons, as they wrestled openly with their divergent views on the future for England and Scotland. This evening, which saw politics in a different light, was featured in an insightful article in The Herald, which is available [here](#).



Thursday evening's excellent panel addressed one of the most pressing issues of our times. **"Climate change ticks all the boxes for things that are hard for us to engage with",** said author George Marshall, and he was joined by John Ashton, commentator on climate, politics and culture, Tessa Tenant from Our Voices, and Alastair McIntosh, author of *Hell and High Water*. Each speaker brought unique contributions to the conversation, addressing the complexity of climate change but also the hope to be found as we collaborate to find meaningful courses of action. It was a fitting note to conclude a fascinating series of events.



## Mediation and Network News

### Young Talk Telegraph Launched

This month saw the launch of the Young Talk Telegraph. The newsletter is designed to support the work of Young Talk a network for those involved in Peer Mediation and follows on from Young Talk's Launch in June this year at Baldragon Academy in Dundee.

If you'd like to read a copy of the Telegraph please click [here](#).

### Network AGM

This year's Network AGM is being held on Monday 7th September at Anderson Strathern, 1 Rutland Court, Edinburgh. We're delighted to have Laura Jacks a Texas Lawyer and former Judge speaking and if you'd like to attend please contact either [admin@scottishmediation.org.uk](mailto:admin@scottishmediation.org.uk) or phone 0131 556 1221.

We'll be talking about our Annual Review and if you'd like to read a copy please click [here](#).



### Mediate 2015

The line up of keynote speakers for Mediate 2015 is now complete and our website with full details of the conference and booking information is available to view [here](#).

#### A Mediation Masterclass

with

Charlie Irvine

Queen Margaret University Consumer Insight Centre

24 September 2015

This day long masterclass is aimed at mediation practitioners and those with experience of helping others in conflict. It will be an opportunity to learn, participate and reflect, drawing on Charlie's 22 years of mediation practice and vast knowledge of the field. He will take us through three topics:

**Emotion Regulation**– We know that mediation parties are often emotional, but how do we work constructively with those emotions? What about our own? Charlie will combine up to date theory with practical exercises to test and embed new ideas for practitioners.

**Mediating in the Shadow of the Law** – Mediation is often a space where social and legal norms are being negotiated. But how extensive should the influence of courts and law be? This session will pose some practical dilemmas based on topical, critical thinking.

**Creating Elbow Room** - Mediators' efforts in the room can often be overshadowed by events not of their making. This session looks at steps to take before, during and after a session to increase our chances of a successful result. Participants will be asked to bring a current case which poses particular difficulties.

About the speaker: Charlie Irvine is an experienced mediator, trainer and academic leader in the field. Learn more about him here: <http://charlieirvinemediation.co.uk/about>

To book: Numbers are strictly limited. For further information and to book your place, email [consumerinsight@qmu.ac.uk](mailto:consumerinsight@qmu.ac.uk). The cost for the day is £280 with special discounts available to SMN members.

Delegates may claim 5 hours of continuing professional development.



Queen Margaret University  
EDINBURGH

## Board Profile—Alun Thomas

What is your day job?

I am an Employment Lawyer – a partner at Anderson Strathern LLP and lead a team of 16 in the Employment and Pensions Unit there

What motivates you to get up on a Monday morning?

The fact that every day brings new challenges. Working in the area I do involves dealing with people, normally in some form of conflict or dispute, whether they are an employer or an employee. Trying to help people find resolutions rather than **confrontation is what it's all about.**

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

**I've been a trustee for 10 years. I felt it was right for me** contribute something having taken so much out of being involved for a number of years as a member of the network and particularly the WEIG group.

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

Yes – **I've been a member for 10 years or more.**

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

**I've enjoyed the conferences – it's great to meet up with mediators from all over** Scotland and the world working in all sorts of different areas, and also the regular WEIG sessions – for the same reasons.

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

**I'd like to see the Register develop as a** recognised “shop window” for mediators in Scotland both by becoming the go to place for folk seeking mediators and for mediators seeking to tell the world what they do.

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

For Scotland to be seen as a place where mediation is seen as the natural first choice for resolving disputes and for the adversarial approach to be recognised as the resort of the unimaginative or the under advised

What keeps you busy outside of work?

The usual, I guess; family, walking, micro pubs, theatre and live music whenever I can, normally in that order.



# Workplace Employment Initiative Group

September 2015

Dear SMN colleague

At our last meeting we were delighted to welcome an excellent contribution from the Chartered Institute of Personnel and Development. Their recent research highlight an increase in workplace conflict and a desire to use mediation, which highlighted a need for promotion on how to access mediation.

The next meeting of the SMN WEIG will take place on Thursday 22 October 2015. All meetings are kindly hosted at the SMN offices at 18 York Place Edinburgh. As usual, the main meeting will run 2-4pm, and count as part of our CPD. The CPD-extra one-hour session will run from 12.45pm.

This time we will be hearing from Matthew Vickers, Deputy Chief Exec of Ombudsman Services. Matthew is a Trustee of the SMN, and was previously CEO of the Scottish Legal Complaints Commission. His session will address the role of mediation in relation to complaints processes.

The CPD-extra session will be lead by one of our own WEIG members, Giles Woolfson of McGrade + Co. Employment Lawyers, Glasgow, who **will be presenting a case study on team mediations, and using a "6-week" mediation process, with a series of short 1/1 ½ hr mediation sessions.**

As usual, all members of SMN are welcome to attend but please let me or the office know if you will be joining the meetings, as tea/coffee will only be ordered for those who have confirmed!

Looking forward to meeting up,  
Slainte

Linn

Linn Phipps, Chair, SMN WEIG, 07917 564440

The logo for the Scottish Mediation Network features the words "scottish mediation network" in a lowercase, sans-serif font. The word "scottish" is in a dark purple, "mediation" is in a teal, and "network" is in a dark purple. A stylized wave graphic in shades of purple and teal is positioned below the text.

# scottish mediation network

## Online Mediation

*Sessions will take place in  
Edinburgh Glasgow and Aberdeen*

More and more mediators are embracing online mediation and the possibilities it presents. This CPD will explore the practical use of mediation online and look at some of the issues surrounding its use.

### Glasgow

Wednesday 30th 2015, 1pm - 4pm

SCVO, Brunswick House, 51 Wilson Street, Glasgow, G1 1UZ

### Edinburgh

Thursday 24th September 2015, 10am - 1pm

Scottish Mediation Network, 18 York Place, Edinburgh, EH1 3EP

### Aberdeen

Thursday 8th October 2015, 1pm - 4pm (provisional date)

Empire House, 117 Grandholm Drive, Bridge of Don, Aberdeen, AB22 8AE

A light lunch will be provided in Aberdeen, courtesy of Empire HR who are kindly sponsoring the event.

Costs: £20 SMN Members, £40 Non-Members

(Organisational members can send up to 2 people at member rates)

Bring a Friend: SMN members are invited to bring a friend along to any of the above CPD and for your friend to enjoy member rates for the event. If they are subsequently interested in joining the Network there will be discounts available for that too.

CPD: 3 hours

Booking: Please email [admin@scottishmediation.org.uk](mailto:admin@scottishmediation.org.uk) specifying where you would like to attend the CPD

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