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Mediating ways to a New Enlightenment?

Mediators from around the world will be flying in to Edinburgh in May. They are not coming in search of disputes but to find a New Enlightenment! When I walk around the streets of Edinburgh in the company of visitors from abroad I find it an inspiring experience and so I am sure if inspiration is the harbinger of enlightenment, these 150 world leading mediators from North America, Australasia, Africa, Russia and other parts of Europe, will not be disappointed. They are all members of the International Academy of Mediators (IAM) which describes itself as a group of colleagues who gather to pursue wisdom and skill in mediation. Thanks to our international mediator, John Sturrock, a Distinguished Fellow of the IAM, the IAM has decided to hold its Spring Conference in Edinburgh and to spend their time here pursuing the question: Looking Outward - Mediation: A New Enlightenment?

One of the tools in a mediator's kit is to ask good questions and isn't that a great question and a great conference challenge. Most of us who trained in mediation will look back on it as a life changing experience. At home, work and play mediating ways are pure genius and surely that is what our international guests need to bring to the quest for a new enlightenment. Mediation is not only for reducing conflict to harmony or settlement; mediating ways are for raising the quality of the dialogue from difference to inspiration. So, if the skills of mediation can be the potter's wheel of our craft, can these skills also help shape a new enlightenment? But, we also know that when we create a space for mediation its setting is a vital stimulus in shaping a different dialogue through which creativity and capacity can emerge. And yes, Edinburgh as a setting is the ideal stimulus for those creative juices amongst the world's international mediators.

Mediating Ways to a New Enlightenment

Robin Burley, SM Chair



ABOUT WILLIAM URY

William Ury, co-founder and Distinguished Senior Fellow of Harvard's Program on Negotiation, is one of the world's leading experts on negotiation and mediation.

He is co-author with Roger Fisher and Bruce Patton of *Getting to Yes*, a fifteen-million-copy bestseller translated into over thirty-five languages, and the author of *Getting Past No*, *The Power of a Positive No*, *The Third Side*, and, most recently, the award-winning *Getting to Yes with Yourself*.

Over the past thirty-five years, William has served as a negotiation adviser and mediator in conflicts ranging from ethnic wars in the Middle East, the Balkans, and former Soviet Union, to most recently in being involved in negotiations to end the long running war between the Columbian Government and the FARC guerrillas.

The conference has a great question and Edinburgh is a perfect venue – this could be a brilliant opportunity for mediation to make a mark in a very positive way on Scotland.

If you are wondering about any opportunities to engage with this gathering of mediators, there are a few although the main conference on 10th and 11th May is for members of IAM. Being in Edinburgh it seems natural that there is a fringe to the international event and on Wednesday 9th May, from 14:00 to 17:30, conference delegates and local mediators have the opportunity to meet at Fringe Workshops which are being held by Core in the Edinburgh Centre for Carbon Innovation, High School Yards, EH1 1LZ. The three practitioner workshops for IAM members and Scottish mediators and professionals interested in mediation and conflict resolution are entitled Practitioners' Forum; Academic Forum; and Young Leaders' Forum. You can register free for the Practitioners' Forum and the Academic Forum through Eventbrite: please click [here](#). The events will be arranged flexibly and attendees will have the opportunity to move between them if they wish. To register for the Young Leaders Forum contact Miriam Kennedy at Core by email: please click [here](#).

Also, on Wednesday 9th May, from 17:30 to 18:30 at the same venue there is a guest lecture by award winning Professor Hal Abramson entitled "Nelson Mandela as Negotiator: What we can Learn from Him". Professor Abramson is from Touro Law Centre in New York and is presenting a talk based on his paper of the same title which considers how the greatest negotiator of the twentieth century, Nelson Mandela, approached negotiating the unbanning of the African National Congress (ANC), the dismantling of apartheid, and his own freedom after twenty-seven years of imprisonment. Mandela employed classically good negotiation practices in the face of extraordinary risks for South Africa and himself. You can register free on Eventbrite for this, please click [here](#).

As an added bonus arising from William Ury's presence at the conference and an initiative by Core Solutions and Collaborative Scotland, there will be an all-day Master Class, Getting

Mediating Ways to a New Enlightenment

Robin Burley, SM Chair

to Yes with Yourself, on Monday 14 May from 9:30 to 15:30 at The Hub, Castlehill, Edinburgh. For anyone interested in the skills of mediation and negotiation this is a fantastic, once in a blue moon, opportunity to hear from and engage with a master of the disciplines. There are special discounts available on Core's website: www.core-solutions.com and members of Scottish Mediation can contact the office to put your name on a delegate list to get a group discount which we have negotiated with Core Solutions.

Can mediators lead the way to a new enlightenment? In the last Collaborate I wrote about SM's new strategic vision to put mediation and mediating ways at the heart of the Scottish way of life. The vision of mediation leading the way to a new enlightenment is very much on the same track and I welcome the conference theme as a contribution to SM's new strategic theme.

I am sure that 150 International Mediators addressing the conference challenge in Edinburgh's inspirational setting will leave us a valuable legacy. There are three great opportunities for Scottish mediators and supporters of mediation to engage in the dialogue and learn from international perspectives on mediation and mediating ways: the three practitioner workshops; the Nelson Mandela lecture; and the William Ury Master Class.

To find out more about participating in any of these events contact Miriam Kennedy at Core Solutions (0131 524 8188) and if you would like to put your name down to join our (discounted) SM members' group booking for the William Ury Master Class, contact Clare Jackson at Scottish Mediation (0131 556 8331)

Place for Hope Recruitment

Training and Equipping Development Manager

This new fixed term, part time post of Training and Equipping Development Manager will support the charity with all aspects of our training. They will have particular responsibility for enhancing and delivering our external training programmes, including our set programmes and those we tailor for clients. In addition, they will oversee the recruitment and ongoing training (CPD) of our Practitioners. Previous high-level experience of training, resourcing and equipping in the charity sector is essential

Salary Scale: £28,527 - £34,485 (pro-rata)

Status: P/T, Fixed Term – 21 hours p/w; contract will run until 31/12/19, reviewable dependent on funding.

Location: Home Working, with travel for events throughout Scotland

Closing Date for Applications: 16/04/18 at 5pm

Volunteer Practitioners

Place for Hope is looking to expand their Practitioner team. As a Practitioner you will have an understanding of and respect for faith communities. You may already, but not necessarily, be a trained facilitator or mediator. Do you have the gifts, skills and personal qualities for this challenging and rewarding role?

Closing Date for Applications: 01/05/18

For full details and application forms for both roles, please visit:

www.placeforhope.org.uk/about/vacancies

or contact Ruth Harvey: ruth.harvey@placeforhope.org.uk



Student Mediators on the Global Stage

Graham Boyack

Ahead of the University of Strathclyde's mediators completing the INADR competition in Chicago last month, I spoke to Lucy Begbie President of the Society to find out what was involved and how the mediation society at the University works.

Lucy got involved in mediation through study for her LLB. Participating in 'Informal Tuesdays' she was soon involved in role plays including one on the NHS and loved it.

The involvement in mediation brought in elements she hadn't previously thought about, compared to the usual binary approach. So when in 2015 there was a need for someone to look after the admin for the Mediation Society Lucy took the plunge.

One of the key challenges in running the society is preparing people for competitions who have never competed before and then as people graduate bringing new people through as the experienced mediators leave.

The day to day activity of the society involves a mixture of tutorials and role plays where areas such as opening statements, opening questions, playing characters, when to go private and when not, how to facilitate and managing joint sessions are explored.

I asked Lucy what she found most difficult about mediation she said it was knowing when to speak, when not too and that it's okay to be quiet.

Last year a highlight was competing in the International Chamber of Commerce mediation competition in Paris. This was the first time a Scottish team had attended. A team of four went from the University something Lucy describes as 'An amazing experience'. She said they had received a training session with John Sturrock from Core Solutions, something she described as a 'total confidence boost'.

Every year, 66 university teams from across the globe are specially selected to participate. They compete in almost 150 mock mediation sessions throughout the Competition.

More than 130 professional mediators and mediation trainers participate every year on a voluntary basis to share their expertise and passion for mediation. Some act as mediators, making use of their own experience in resolving cross-border disputes; while others take on the role of judges, assessing each team's negotiating and problem-solving skills, as well as their ability to make good



Roisin Flatman, Lucy Begbie, Charlie Irvine, Emma McGeorge and Holly McLean at the ICC in Paris 2017.

use of the mediator.

Though the event allows students the occasion to put theory into practice, the added bonus is their interaction with some of the world's top mediators. This unique exchange is an opportunity for professionals to enlighten and engage a new generation of mediators and mediation users through guidance, feedback and support.

In addition to Paris students have competed against other UK Universities in London where in 2018 Strathclyde came in 9th.

Last year Lucy was very involved in Strathclyde hosting the INADR competition involving 88 teams from across the globe. This year the highlight has been the INADR competition in Chicago where a team of four plus

Student Mediators on the Global Stage

Graham Boyack

coach Charlie Irvine attended. In order to get the team there the society ran bake sales, sought sponsorship and sold football cards to raise funds for the trip. It turned out to be worthwhile as out of eighty teams the Strathclyde were placed 10th, an amazing achievement for a University relatively new to competing.

Apart from completing her degree Lucy's big priority is to make sure there is a committee in place for next year to allow the society to continue and build on the success of previous years. A three week internship with Pinsent Masons in Hong Kong beckons (very appropriate as mediation is large part of their practice) after which Lucy is then looking to take a year out before taking the Diploma in Legal Practice.



Lucy at the ICC in Paris 2017

I asked Lucy what she thought mediation brings to dispute resolution. Her thoughts were that once in it people appreciate the process and the opportunity to resolve their dispute and walk away with something.

Her view on what is needed for mediation to become more widely used is that to an extent it needs to become more institutionalised and a part of the day to day landscape. At Freshers Fayre their key phrases were that 'It's mediation not meditation' and 'Don't hate, mediate'. Lucy sees a bright future for mediation and from the more young mediators like Lucy that choose to practice mediation the brighter the future will be.

"When I look at myself in the mirror, ... I am seeing the person who is probably going to give me the most trouble that day, the opponent who will be the biggest obstacle to me getting what I truly want."

a Master Class with William Ury

Getting to Yes with Yourself

14 May 2018 - The Hub - Castlehill - Edinburgh EH1 2NE
 CPD: approx. 6 hours



presents a
Master Class with William Ury
Getting to Yes with Yourself



How can we expect to get to yes with others if we haven't first got to yes with ourselves?

William Ury, co-author of the seminal **Getting to Yes** and co-founder of Harvard's Program on Negotiation, is one of the world's leading experts on negotiation and mediation.

NB For 7 days, 5 places for Collaborate readers at 10% off, quote CoIWU2018

for more information contact
 Miriam.Kennedy@core-solutions.com | 0131 524 8188
 For full programme and to register visit
 www.core-solutions.com

Net proceeds from this event will go to William Ury's Abraham Path Initiative and also to support the work of Collaborative Scotland



LLM/MSc Mediation and Conflict Resolution

The ability to deal with conflict is a key skill in the modern workplace. The UK's leading postgraduate programme in Mediation and Conflict Resolution at Strathclyde law school provides a thorough, practical and exciting introduction to this developing area. Our alumni are working as freelance mediators and in law firms, public sector bodies, NGOs and mediation organisations.

Distinctive features include:

- A focus on interpersonal mediation skills **and** a thorough introduction to the academic dimension of the discipline
- **The Mediation Clinic**, providing opportunities to work with experienced mediators on real cases.
 - ***NEWS*** In 2017 the Mediation Clinic trebled the number of cases mediated, thanks to the new Sheriff Court Simple Procedure. This has created more opportunities for students to gain experience of real-world mediation.
- Accreditation by Scottish Mediation (as fulfilling the training requirement for the Scottish Mediation Register)
- Rigorous and multi-disciplinary, taught by UK and International experts
- A truly International mix. Last year's cohort included students from New Zealand, India, Ecuador, Seychelles, Canada, USA, Belgium, Ghana, Nigeria and the UK
- Suitable for managers, lawyers, mediators, HR, health professionals and anyone working with people

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, students may choose electives in negotiation, employment mediation, mediation law and policy, arbitration as well as classes from Human Rights, Construction Law and International Economic Law.

Legal training is not a pre-requisite; the MSc/LLM option caters for students from a wide range of disciplines.

Start Date: September each year
Mode of Study: Full-Time or Part-Time 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

e: hass-pgt-enquiries@strath.ac.uk
 t: 0141 444 8600

NEW FOR 2018-19

From September 2018 parts of the course will be delivered online, making participation easier for those not living or working in the West of Scotland. Please contact [Charlie Irvine](#), Course Leader, for more details.

Mediation Talks the Talk

Graham Boyack

The Justice Committee of the Scottish Parliament held a round table discussion on the availability of Alternative Dispute resolution (ADR) which includes mediation in Scotland. Scottish Mediation were delighted to be one of the organisations giving evidence to the committee and participating in their discussions.

Those discussions were wide ranging and shone a light both on current provision but also started a discussion on how Scotland could have a more effective, person centred justice system through a greater integration of mediation.

One of my jobs was to produce a briefing paper for the committee and as it had been a while since I had done such a paper I was actually pleased to see the wide ranging use of mediation in Scotland whilst at the same time being able to identify the areas of our society that would benefit from improved access to mediation and the skills involved.



The Scottish Parliament
Pàrlamaid na h-Alba

When I looked at where mediation has become well established, two areas stood out immediately. They were family mediation and in court mediation services. Family mediation services are provided across Scotland by Relationships Scotland through a number of local centres. CALM Scotland trains lawyer mediators and the law society holds a register of lawyer mediators who are based in legal practices across Scotland.

There are services in a number of courts in central Scotland providing mediation for Simple Procedure cases. At present these are provided on a pro-bono basis

with some support for administration by the Scottish Legal Aid Board and the University of Strathclyde Mediation Clinic. There is use of mediation in the commercial courts too and recently there has been more encouragement for its use. A wider use in the courts will require a change in culture and the rules and better integration of resources.

Perhaps one of the areas where mediation has become most well established is that of in employment mediation.

Cases can

go to mediation directly, via ACAS and as a result of tribunal proceedings. There has also been a growth of mediation in the area of administrative justice where bodies such as the NHS and the Scottish Legal Complaints Commission (SLCC) have schemes that encourage complaints to be settled through mediation. Through model complaint handling procedures for public service bodies the Scottish Public Services Ombudsman reference mediation as a tool to help in resolving complaints too.

Scottish Local Authorities and SACRO provide community mediation services designed to help resolve community and neighbour disputes. In recent years these and organisations such as the Cyrenians/Scottish Centre for Conflict Resolution have successfully used mediation as an intervention to prevent homelessness. Many local authorities have taken innovative approaches using their in-house mediators to assist in re-



Mediation Talks the Talk

Graham Boyack

solving workplace disputes, pupils' attendance at school and to support multiple owner repairs enforcement.

There is a current call for the greater use of mediation in the planning system through the planning bill, currently at



Peer Mediators in Scotland
Getting Together

stage 1 in the parliament. Mediation is being used to resolve disputes over land and in recent work by WWF Scotland to

broker agreements on fishing quotas between key stakeholders.

Peer mediation is used in Scottish schools to resolve disputes and in the process help tackle bullying and harassment. Scottish Mediation provide training in this area and are currently undertaking a Big Lottery funded project to examine how the resilience of peer mediation can be enhanced. The skills imparted to young people practicing mediation are vital life skills around active listening, questioning, reframing; all of which support better conversation.

Launched by Scottish Mediation and SCVO on 1 October 2015, the Third Sector Mediation Project provides free or low-cost mediation to small charities and voluntary organisations. Mediations are provided by 45 volunteer practitioners including 35 from the Scottish Mediation

Resolve conflicts at an early stage

Mediation Skills

Perth 24th and 25th September 2018 £470 + 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, Thomtons LLP

www.rowan-consultancy.co.uk
rowan@rowan-consultancy.co.uk
01738 562 005



Mediation Talks the Talk

Graham Boyack

Register and 10 from the Department of Work and Pensions and Scottish Power under their community engagement programmes. In 2017 there have been 45 enquiries and 13 mediations.

Support Community
Responsibility Regeneration Values Organisation
Project
Third Sector Participation
Volunteer not-for-profit
Development Charity
Sharing Leadership

ute. This supports experience in other jurisdictions where high usage of mediation follows either legislation or embedded rules of procedure that encourage people to use mediation, as it is part of the system.

I'm looking forward to working with the Justice Committee and others to develop such an approach for Scotland so that everyone get's the opportunity to benefit from mediation.

At the round table Scottish Mediation commented on the success of mediation in areas such as Additional Support Needs mediation for education disputes and the work of the SLCC where the provision of mediation is established in stat-

Core's Flagship Mediation Training Course: Using Mediation Skills as a Leader

core

"I have found the course to be a positive and inspiring experience, which has challenged my professional practice and caused me to consider what is important. It should be compulsory!"

"By far the best course I have ever attended. I wish I had done it years ago. John and his colleagues are excellent and passionate teachers. Two and a half years on, I still frequently return to the course materials and my notes."

Residential Summer School: Using Mediation Skills as a Leader*
2 - 5 September 2018 (CPD: 24hrs +)

Module 2: Building Mediator Competence
4 - 5 October 2018 (CPD: 16hrs +)

Module 3: Assessment
1 - 2 November 2018 (CPD: 20hrs)

*The Residential Summer School is available as a free-standing three-day course. It is also a prerequisite, as Module 1, for attending modules 2 & 3.

For details of Core's mediation, facilitation and training services, contact Miriam Kennedy at 0131 524 8188
or Miriam.Kennedy@core-solutions.com | www.core-solutions.com

Scottish Mediation News

Masterclass in GDPR and Information Governance

GDPR (the General Data Protection Regulations) will be implemented on 25 May 2018.

This half-day workshop is designed to provide a sound understanding of the detail and impact of the General Data Protection Regulations (GDPR), where that builds on data protection and what you need to consider to become GDPR compliant.

Based on practical experience and working through information sharing, discussions and a range of tools, including case studies, the course provides a range of tools to help you prepare. For more information and to book click [here](#).

Save the date:
Mediate 2018
Monday 5 November 2018
Edinburgh



THE MEDIATION PARTNERSHIP SMR Accredited Mediator Training



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

**Dates: Thurs 13th, Fri 14th, Weds 26th, Thurs 27th & Fri 28th
September 2018 (includes assessment)**

This intensive five-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 (SM) *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

Discounts available for self-funders and public/voluntary sector.

To book a place, or find out more information, contact Aileen Riddell on 07950 395276 or e-mail enquiries@mediationpartnership.co.uk www.mediationpartnership.co.uk

Scottish Mediation News

Welcome to Scottish Mediation

Scottish Mediation are delighted to welcome Gordon McKinlay, Robin Elliot and Jane McKinlay as new individual members and Maggie Davidson who joins as a practitioner member.

Whether you are an organisation, a practitioner of mediation or someone interested in finding out more we have a range of memberships available which can be viewed [here](#).

Shuttle Mediation

Scottish Mediation and Scottish Community Mediation Centre are delighted to be working in partnership to offer this CPD which will be facilitated by Ian McDonough.

Shuttle mediation has often been eclipsed by the more familiar technique of face to face mediation. Despite this, it continues to be a

widely-used process in the resolution of disputes, particularly in the fields of neighbour and commercial mediation.

What results can we reasonably expect from shuttle mediation? What are the similarities and differences between shuttle and face to face work? Are there specific techniques we should be deploying? What are the pitfalls, and what can mediators do to overcome them?

Ian is a very experienced mediator in a range of community settings. He is a former Chair of Scottish Mediation and Mediation UK, and is currently a member of the Fitness to Practice Panels of the General Teaching Council of Scotland and Scottish Social Services Council.

Edinburgh - Friday 27th April 2018, 10am - 1pm, Glasgow - Thursday 24th May, 1pm - 4pm.
(rates)

For more details click [here](#).

Five Day Mediation Skills Course

1, 2, 8, 9 + 16 March 2018.

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.

Key features of the course

- Applies the theory of restorative practice to real life scenarios
- Helps you to develop your ability to autonomously manage the restorative meeting
- Explores the legal context in which restorative practices takes place

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



Board Profile - Fiona Cameron

What is your day job?

I am a Partner and Head of Dispute Resolution at Gillespie Macandrew, a full service law firm based in Edinburgh.

What motivates you to get up on a Monday morning?

My early morning sessions with my excellent personal trainer, Andrew Stewart!

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

I became a Trustee in December 2017. When Graham Boyack and Robin Burley very kindly approached me with an invite to join the Board, I had no hesitation in accepting! I firmly believe that mediation will play an important role not only in civil justice but also in business and society more generally over the coming years, and I wanted to be part of that movement.

Did you have any prior knowledge of or involvement with Scottish Mediation before?

Yes - I have been co-chair of the Young Mediators' Group since 2013. My involvement in that groups means I am regularly in touch with the Network and its members.

What have been the highlights of your involvement with Scottish Mediation?

I think it would have to be the Board Strategy Day which took place in December. It truly was thrilling to debate two of the Network's highly ambitious future strategic goals with the other Trustees, all of whom bring different skills, experience and vision to the fold.

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

We need to achieve greater use of mediation. The difficulty we have is that there is no quick or easy 'fix' which will get us there. Rather, we will need to appropriately influence and engage Government, participate in development of the justice systems, and educate and promote the public. That will take time, energy and passion - all of which I believe the Trustees of the Network have.

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

The (completely false) perception that all mediators are 'soft' and that mediation is in some way a weaker or less valuable form of dispute resolution than litigation. Mediators don't generally co-mediate with a teddy bear (a question I have been asked before!)

What keeps you busy outside of work?

Travel - whether a long weekend away hill-walking in the North of Scotland or fortnight away exploring weird and wonderful foreign countries, I am rarely found at home!!



Workplace Employment Initiative Group

April 2018

Dear Scottish Mediation colleague

Our next meeting will be on Tuesday 12th June 2018 at the Scottish Mediation Office, 18 York Place, Edinburgh, EH1 3EP Our main meeting will start at 2pm with a CPD extra session starting at 12.45pm.

Elaine Masson and Douglas Johnston Mediating in a Rights Based Environment

Elaine and Douglas will examine how operating in a rights based environment such as a grievance procedure can impact on mediation. They will reflect on the recent CIPD report and their experiences as workplace mediators.

The optional extra CPD session at 12.45: will be led by Douglas Johnston and will focus on how mediators get feedback on their mediations.

All meetings are open to Scottish Mediation 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 if you are able to attend.

Looking forward to meeting up,

Slainte

Linn

Linn Phipps, Chair, SMN WEIG, 07917 564440