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



## Getting to Yes with Scotland

Last month Scotland hosted the prestigious International Academy of Mediators conference with mediators from over 20 countries around the world attending. The event was an inspiration giving an insight into how mediation can perform a central role as part of a country's civil justice system. However, two events will dominate my memories of the week.

The first was a session in the chamber of the Scottish Parliament on the Saturday morning where we were addressed by William Ury author of 'Getting to Yes', a book which outlines how, when parties' interests are taken into account during a negotiation, a win-win agreement is the most likely outcome. Ury argued that to truly understand the other parties interests that people had to put themselves in the right frame of mind and understand what it was like to be in the other persons shoes. For a better future he also called on listening skills to be an essential part of children's education. His contribution was followed by our own First Minister Nicola Sturgeon, who captured the mood of the occasion outlining how interest-based negotiation was being used by the Scottish Government and how Scotland could play an international role in supporting peace building. The First Minister was also not surprisingly delighted with the idea of a book called Getting to Yes.

The second event was a Masterclass given by William Ury in the Hub where he was able to reflect on the range of international conflicts he has helped mediate and the valuable lessons which can be applied to others. With his vast experience Ury was able to illustrate how even things as simple as listening, taking a wider view of the possibilities and controlling your reactions can have such a positive impact. Perhaps most inspiring was his view that Scotland could be one of several world hubs to promote the adoption and develop-

# Getting to Yes with Scotland cont'd

Graham Boyack

ment of the skills of peace-making supporting other countries in resolving their conflicts.

As is often the case having the time to reflect, as I did last week, provided me with the opportunity to look at what we might achieve in Scotland.

The first area of opportunity that struck me was that mediation has a role in education. Scottish Mediation already engage with schools to train pupils how to mediate and resolve the conflicts that they face every day. We are working to figure out the best ways to integrate this into everyday school life. Delegates from India told me how students there who successfully resolve conflicts gain extra marks for their whole classes. The next step for me would therefore be to make teaching listening skills a core part of education from Primary School all the way to University and College. Such a step would surely pay divi-

My final thought was prompted by discussion of the impact of the Scottish Government's recent use of William Ury's interest negotiating principles in Getting to Yes. The first thing to say that what was described was not an easy option, but one which required significant investment in training and engagement with the people involved to make it work. That investment however is something that, if adopted more widely, would pay dividends and not just in monetary terms, but by reaching better and more sustainable agreements. I sometimes think some of our current agreements simply postpone the conflict until later years rather than addressing the underlying issues at stake. More critically Ury makes the point that by doing so we need also to factor in the interests of the wider public who are sometimes not at the forefront of the minds of those involved, when they need to be.

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dends in the long run giving the capacity for people to engage more constructively in conflict for better outcomes.

The second opportunity was to improve the choices available for parties in the Justice System. Lord Briggs, the Lord Chief Justice spoke of how mediation is being used in the English and Welsh Courts and his vision that mediation will be the norm with an approach of case management for resolution. The benefits arising from this approach include a quicker resolution of disputes, courts being able to effectively focus on cases, where a ruling is required and in many cases a more affordable way of getting a resolution. Scotland's next steps must surely include a wider inclusion of mediation as an option in the court rules and an encouragement to use it.



A huge credit goes to John Sturrock who organised the conference and events as a Scottish IAM member. The profile it generated for mediation and the valuable conversations that took place during the event are and will be very positive for mediation in Scotland.

## Growing Mediation in China

Graham Boyack

Scottish Mediation Director Graham Boyack was delighted to moderate the session on mediation at this month's 2018 Summit on Commercial Dispute Resolution in China.

The event, organised by the Beijing Arbitration Centre (BAC) brought together dispute resolution professionals from across the globe to Edinburgh, including a strong presence from the BAC and Chinese dispute resolution professionals.

The background to the event is the desire of the Chinese government to make international investment and trade with China more straightforward, reducing the risks for those involved.

In addition to newly updated arbitration rules mediation has been afforded support with an invitation to international mediation organisations to set up offices in China.

At the summit a significant increase in the

use of mediation was highlighted, particularly its use in community disputes where it was highlighted as being an integral part of Chinese culture.



The summit also heard how mediation training is organised and how codes of conduct and standards of practice have been developed.



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

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](mailto:Miriam.Kennedy@core-solutions.com)

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

# Supporting Culture Change in Conflict

Abdul Rahim, Lead Trainer, Place for Hope

In 2015, a conference report in the Methodist Church highlighted the broad experience of bullying and harassment faced by its members within the life of the Church. To face this matter head on the Methodist Church outlined a commitment through a programme titled 'Positive Working Together' to directly respond to bullying, harassment and conflict within the church in order to create a cultural shift.



Since 2016 Place for Hope has been invited to support this programme through providing training. In doing so, we bring the charity's wisdom and experience in working through conflict and change with faith communities since 2009. We offer capacity building training to equip skilled leaders (lay and ordained) to have the confidence to work with, and respond to the core aspects of conflict, and to develop a deeper understanding of the dynamics of power, bullying and harassment. The work, well into its third year, has offered



'train the trainer' courses and complementary resources to over a hundred participants. They are now trained to deliver Place for Hope's flagship one-day courses within the Methodist Church UK:

'Growing through Change and Conflict' and 'Bullying and Harassment - Responding with Dignity and Respect'

A natural development from this has been the launching of our 6-day 'Faith in Change and Conflict' programme, providing leaders in churches with the knowledge and skills to apply mediative techniques in their day-to-day ministry. An agreement is in place to run the new course on an annual basis, with further courses to be offered should the need arise, all certified through Cliff College.

Place for Hope will continue to support the Methodist Church in its endeavour to acknowledge difficult situations experienced by members and to find ways to respond to these challenges with dignity and courage. Culture change does not happen in one step. It is a process of life-long learning both for individuals and for institutions and needs to 'develop through the seasons.' With the 'Positive Working Together' programme, the Methodist Church has shown a commendable intention to give the time needed to make this change.



# Mediating Ways Workshop

May Millward

Scottish Mediation's Third Sector Project aims to encourage mediation in charities and voluntary groups by offering mediation pro-bono or at low cost when disputes arise or there are relationship difficulties between board members, committee members, employees or volunteers.

As the project developed we were asked to provide some skills training to help people



deal more effectively with conflict situations and to understand when a referral for mediation would be appropriate.

We developed a three hour workshop for up to sixteen participants that uses basic mediation skills and tools to explore how conflict arises and escalates and ways that it can be resolved. This works both as a way of enabling people to deal with conflict better but also gives them a deeper understanding of

***"I now have a much better understanding of how conflict might start so hopefully I'll be able to prevent it in the professional and personal capacity."***

how mediation works. The workshop is lively and participative and is delivered by Amanda, our Training Officer, and May, our Third Sector Project Officer. Both are mediators with experience in different types of mediation so can draw on that experience to provide some depth to the discussions.

One of the greatest difficulties was trying to come up with a name for the event that didn't include the words "mediation" or "conflict"

as there is evidence that both of these can be off-putting! Initially we used "Managing Relationships in the Third Sector".

So far we have delivered the workshop to Third Sector Interface (TSI) organisations and small charities in five local authority areas and the feedback has been excellent with participants identifying many situations in their own or client's organisations where they could apply the skills.

***"It will be good to bear in mind when working with people in difficult situations. Also useful to have a better understanding of mediation to recommend it to others."***

Shelter Scotland then asked us to provide the workshop to some letting agents who are participating in the Letting Agent Plus Project which aims to make it easier for letting agents to offer the right support to people who are struggling to maintain their tenancies or secure one in the first place. We used



the basic workshop but tailored it to the audience by using examples and a case study based on housing issues. The feedback from this event was also very positive and the skills were considered to be very relevant to the "mediating" role of agents between private landlords and tenants.

We are now considering developing a specific workshop that would even more closely meet the needs of letting agents and equip them to handle conflict more effectively and prevent it escalating into a crisis situation. The event would challenge even the most experienced agents to consider their own practices and perceptions in relation to particular landlords, tenants or property management issues and identify bad habits and/or areas for improvement. The workshop would also give them a



# 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](mailto: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.

# Mediating Ways Workshop cont'd

May Millward

better understanding of mediation and when it can be used and signpost them to appropriate mediation providers including the new Strathclyde Mediation Clinic Housing Project. The workshop has been endorsed by the Scottish Government's Letting Agent Registration team and will constitute 3 hours formal CPD for letting agents under the new Letting Agent Code of Practice.

**"I enjoyed all of it, the variety of learning i.e. small groups, scenarios, information from presenters."**

workshops not only help people to deal with conflict directly but also take away some of the mystique from mediation and increase understanding of how it can be an effective

**"Very informative and helpful presentation. The tools and techniques will be particularly useful as will understanding the needs of both parties."**

way of resolving all sorts of complaints and conflicts. Our working title now is "Mediating Ways" and we look forward to developing the workshops further to reach even more areas.

Scottish Mediation provides mediation for NHS Complaints and we have adapted the workshop again and delivered it to complaints handlers in two health boards, once again with very positive feedback.

Whilst we tailor the event to each audience by using relevant examples and case studies, it is clear that the basic information and tools are relevant in all sorts of situations. The

## Five-Day Mediation Skills Course Glasgow, 30, 31 August, 6, 7, 13 September 2018



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 [infoscmc@sacro.org.uk](mailto:infoscmc@sacro.org.uk) Course Fee is £600 per participant.

## Scottish Mediation News

### Welcome to Scottish Mediation

Scottish Mediation are delighted to welcome Stuart King and Roderick Campbell as new individual members.

*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](#).*

### Workplace Conversion Course

This practical two day course (13 hours of CPD) introduces mediators experienced in other fields to the problem of workplace disagreement and conflict. Participants will learn about the causes of conflicts to watch for, how to adapt their mediation styles, the use of written com-

munication and other techniques over two enjoyable, interactive days with opportunities to practice their newfound skills.

The course will run on 3rd/4th December 2018 and be presented by Carol Hope and Jeremy Scuse. If you are interested in attending please email [admin@scottishmediation.org.uk](mailto:admin@scottishmediation.org.uk)

### Mediate 2018

Plans are well underway to put together the programme for mediate 2018. It's taking place in Edinburgh on **Monday 5th November**.

With a focus on exploring new horizons in mediation the conference will look at new areas where mediation is being used and will support participants to consider skills useful in future mediations.

## 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

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01738 562 005





# Collaboration - New Practices in a Changing World

Graham Boyack

A national event entitled, "Collaboration – New Practices for a Changing World", is taking place at the University of Dundee on Thursday 20 September 2018, to mark the tenth anniversary of the foundation of Early Dispute Resolution (edr), at the University. This approach was pioneered at the University (<https://www.dundee.ac.uk/edr> refers).

The theme of our 1 day event is on the Transformation of Public Thinking and Doing. We will be exploring if and how mediation skills and practice interact with and impact on, multi disciplinary and multi agency collaborative working.



Scottish Mediation are delighted to be collaborating with the University of Dundee EDR in producing the event.

Attendance at this event will be restricted to 100 participants, to enable a meaningful and interactive collaborative event.

Problems increasingly require solutions which cross borders between organisations and professional practices. At the event we aim to:

- examine long-held assumptions about the best ways of successfully overcoming obstacles to progress
- challenge and explore the practical value of collaboration, mediation and engagement in a changing world of constraint and demand
- discuss what impact new practices and mediation skills use can really have in shaping the future and
- question and debate the impact of these new practices on individuals' working lives

Further information on the event including details of the keynote speaker and the interactive discussion sessions, is available at <https://www.dundee.ac.uk/edr/conferences/10thanniversaryevent2018/>. The registration fee for the event is £70. If you wish to attend the event dinner, to be held at the Apex Hotel in Dundee, there is a further charge of £40 including VAT.

If you have any questions regarding this event, please contact Dr Eric Monaghan ([e.d.monaghan@dundee.ac.uk](mailto:e.d.monaghan@dundee.ac.uk)).



University  
of Dundee

## Scottish Mediation News

### Congratulations

The recent honours list saw well deserved recognition of Hilary Wiggans for her work at Dundee Sheriff Court for the In-Court advice service with her award of an MBE.

All the staff and Board at Scottish Mediation congratulate Hilary on this wonderful achievement.

### Centre for Good Relations Achieves Accreditation

The Centre for Good Relations have achieved the award Scottish Mediation Register Accredited for the mediation course they deliver.

The award indicates that the course fulfills the requirements of meeting the standard required for mediators to join the Scottish Mediation Register.



Sam Tedcastle from the Centre for Good Relations receiving the award from Graham Boyack, Scottish Mediation Director.



## THE MEDIATION PARTNERSHIP SMR Accredited Mediator Training



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

**Dates: Thurs 13<sup>th</sup>, Fri 14<sup>th</sup>, Weds 26<sup>th</sup>, Thurs 27<sup>th</sup> & Fri 28<sup>th</sup>  
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](mailto:enquiries@mediationpartnership.co.uk) [www.mediationpartnership.co.uk](http://www.mediationpartnership.co.uk)

## Board Profile - Hilary Wiggans MBE

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

I am Regional In-Court Adviser/Manager covering the Tayside courts.

### **What motivates you to get up on a Monday morning?**

Curiosity of what the day is going to bring, along with the thought of a mug of strong Coffee.

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

I have been a trustee since September 2014. I am extremely interested in Mediation, particularly in resolving differences as an alternative to the court. I believe that mediation will play a big part of the civil justice system in the future and to help shape and drive this concept forward is exciting.

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

I had been aware of the remit of Scottish Mediation for some time and have been a personal member prior to joining the Board.

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

For me, the very well facilitated development strategy day in December was the highlight. Working with the other trustees in contributing to planning Scottish Mediation's future was inspiring.



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

It is a time of significant change for the justice system, but it remains an enormous challenge to persuade decision makers to incorporate mediation into the court system. We do not want to lose this opportunity whilst the court system is being modernised and want to ensure that mediation is at the centre of the system and not the margins.

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

To overcome the barriers of people's perception of mediation. For mediation to be embraced within Scotland, in contrast to that of our neighbors down south we lag behind in mediation.

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

Goodness, lots, I am constantly busy, going to the gym, and my hobby of planning holidays and weekend breaks keeps me busy!

# Workplace Employment Initiative Group

June 2018

Dear Scottish Mediation colleague

Our next meeting will be on Thursday 4th October 2018 at the Scottish Mediation offices 18 York Place, Edinburgh, EH15 1AY.

Our main meeting will start earlier than usual at 1pm (business meeting at 1pm, speaker c 1.45pm) with a CPD extra session starting at 3pm.

**Alun Thomas**

## **The Influence of Lawyers on Mediation - the Good, the Bad and the Ugly**

Alun will examine what the law actually says re contract law etc . Drawing from experience as head of Employment at Anderson Strathern, Alun will reflect on what influences lawyers attitudes towards mediation and the impact this has both during and prior to the process.

**The optional extra CPD session** at 3pm: will be a sharing session focusing on how to counter mediation parties' convictions that they cannot lose especially when they have had Solicitor advice appearing to say so.

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](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