August 2018 **Issue No 110**

collaborate



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A Workplace Mediation Rachel Weiss shares a case study of

a recent workplace mediation and invites us to add our reflections.

Strathclyde Housing Mediation Project

Carolyn Hirst on a new project using mediation to tackle housing Disputes.

Board Profile

Linn Phipps gives and insight into her work for the Board of Scottish Mediation

Workplace Employment Initiative group

Details of next meeting.

Plus News from Scottish Mediation and information from recent events

Adverts from:

University of Strathclyde, Core Solutions, Scottish Community Mediation Centre, A Place for Hope, Mediation Partnership, and Rowan Consultina.









Mediate 2018

On Monday 5th November Scottish Mediation are hosting Mediate 2018 at the Norton Park Conference Centre in Edinburgh.

This year's conference theme is 'Widening the Scope'. The conference will look at the current scope of mediation. Where is it being used and how is it making an impact? It will look at mediation in action and the different skills being applied in different circumstances. It will also look to the future and, using the projects being discussed as a starting point, ask the question of how the scope of mediation could be widened.

We have two excellent plenary sessions.

Jo Berry and Patrick McGhee are in conversation about Building Bridges for Peace. Building Bridges for Peace advances conflict transformation by facilitating those involved in hostilities to break the cycle of violence and revenge by appreciating the humanity of their opponents and the power of empathy. Founder Jo Berry and Patrick Magee - who was convicted for the Brighton bombing that killed Jo's father - facilitate workshops around the world which enable dialogue between opposing groups and give talks on conflict resolution and alternatives to violence.

The Midland Traveller Conflict Mediation Initiative (MTCMI) are presenting a session which will tell us about an exciting and innovative MTCMI project in Ireland which has trained Travellers themselves to mediate Traveller conflicts. They will also tell us about their pilot peer mediation project which was delivered in an Irish prison where inmates were predominantly from a Traveller background. This offers an interesting new perspective on the use of a peer mediation model which has more often been used in schools.

Getting to Yes with Scotland cont'd

Graham Boyack

Our workshop programme includes;

Sarah Welsh from Scottish Mediation will discuss the Young Talk Peer Mediation Project and consider how things are working and how it could potentially develop

Alison Ebbitt will discuss mental health awareness and skills for mediation.

in the future.

Sam Tedcastle will examine using civic mediation processes to work across extreme views.

Carolyn Hirst will deliver a workshop on housing mediation based on her work on the Strathclyde Housing Mediation Project. Denise Triessman will deliver a workshop looking at self-care for mediators. (AM and PM)



EDINBURGH | 5 NOVEMBER

Two further workshops will be offered with details confirmed very soon.

Early bird tickets are available now from only £60-£110 and will be available until the end of September.

For further details and to book, please click here.



Embodied Conflict

A book review by John Sturrock

Summer is a good time to explore new books. This summer, I have come across a book which could, for me as a "conflict resolution professional", be one of the most important I have read recently. "Embodied Conflict" by Oregon mediator Tim Hicks (published by Routledge) is, I suspect, a masterpiece. Sub-titled "The Neural Basis of Conflict and Communication" the book's theme is the growing awareness of how our brains work, through many disciplines which include in particular neuro-psychology and neuro-science, and the fundamental importance, to our collective and individual survival, of understanding all of this – and of improving our ability to prevent destructive conflict in all its forms.

Embodied Conflict
The Neural Basis of Conflict and Communication
Tim Hicks

He offers a brilliant reframe: "It's interesting to think about the violence we see in the world, whether at the level of interpersonal relationships, or at the societal and global levels, as a public health issue." Could this be the missing link in our conflict resolution field? We've often wondered why what seems obvious to so many of us about how we can losophy professor: we need to "understant the deep history and tragic complexity of litical situations", and with deeper understant the deep history and tragic complexity of litical situations", and with deeper understant the deep history and tragic complexity of litical situations, and with deeper understant the deep history and tragic complexity of litical situations, and with deeper understant the deep history and tragic complexity of litical situations, and with deeper understant the deep history and tragic complexity of litical situations, and with deeper understant the deep history and tragic complexity of litical situations, and with deeper understant the deep history and tragic complexity of litical situations, and why we behave in response to differences, we can better prevent or manage it evitable conflicts.

better manage and reduce conflict hasn't had the kind of impact we feel it should. Arguably, we have mis-defined it, not fully understanding the depth and breadth of both the challenge and what is needed to resolve it.

Some of us have elevated processes like mediation to ends in themselves. They are, however, merely important examples of means to achieve highly desirable goals. We probably need a much clearer diagnosis and understanding of the underlying conditions, while offering a wide range of remedial steps.

Hicks' recognises that "the success of the conflict resolution field has not only been limited but has not achieved its full promise." He says that "what we call "interest-based negotiations" and "collaborative problem-solving" or, more simply, mediation, can be perceived by parties as risky or threatening for a number of reasons." His exploration of this is too comprehensive to do more than offer an inadequate summary of the main themes here. Indeed, his Preface, in and of itself, is one of the best summaries of the issues I have come across.

Recognising that perceived self-interest, difference, group affiliation and poorly managed conflict is everywhere, the author acknowledges the reality of this and comments that it is our response to differences that create waste and harm, with apparent short-term gains more than offset by longer term and aggregate loss. We struggle with the balance between trust and suspicion, cooperation and competition. Perception, meaning and identity often lie at the heart of conflict.

Our human biography charts our efforts to live more harmoniously in the face of our evolutionary tendency towards fear-based and dominance-seeking responses. Our unique capacity for self-reflection comes with the responsibility to work to change behaviours which are inimical to healthy social life, however we define that. Hicks quotes a philosophy professor: we need to "understand the deep history and tragic complexity of political situations", and with deeper understanding of ourselves, and particularly how and why we behave in response to differences, we can better prevent or manage inevitable conflicts.

Embodied Conflict

A book review by John Sturrock

This Hicks offers to do by linking "conflict res- the humanity of life." olution theory and practice to the basic physiological function by which perceptual experience is encoded in neural structures of meaning." In other words, how the brain works, combined with the experience of the whole body, determines how the mind experiences self and other and how we behave in relationships – and in conflict. The primary question of the book is thus: "How might an understanding of the neural workings of the brain help us work more effectively with parties in conflict?"

In case we are concerned that the author is about to descend into a neuro-psychological black-hole, he reminds us that: "We are biology and chemistry, but we are also our lived experience. In understanding the neural roots of cognition and behaviour, we have to continue to work with people at the level of their and our lived experience. We have to maintain a balance between the science and

It seems, humbly, to me that, if we are to add real value and take the field of conflict resolution to where it needs to go, deep understanding of the sort suggested to us by Hicks is what we need to acquire. Helpfully, in his Appendix, Hicks digests specific practical approaches discussed or suggested in the text. However, the book as a whole is likely to be essential reading for those who really want to get under the surface and make a real difference in how we resolve conflict in our world.

John Sturrock is Founder and Senior Mediator at Core Solutions.





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 I - 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 I, 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/training

A Workplace Mediation

Rachel Weiss

Background

Alison and Jim were not getting on. They led a small team in a remote office in the Scottish Highlands, head office was far away in Aberdeen. When Alison, the team manager, was seconded to Head Office for a few months, Jim stepped up to lead the team while she was away. During Alison's absence there were lots of issues with the team and staff raised complaints about both Alisonand Jim. An investigation was launched which concluded that the accusations were unfounded.



Jim felt unsupported by Alison, he believed Alison thought he was no good at his job and was withholding information from him. Other staff members told Jim that Alison was undermining him, and not treating him with respect behind his back.

Alison found it hard to communicate with Jim. He kept himself to himself, didn't let her know when he went offsite, didn't seem to do tasks. She was anxious about holding him accountable for tasks, since she felt he became defensive when challenged. She believed that Jim had complained to Head Office about her. She felt betrayed and didn't trust him.

Alison and Jim were barely speaking to one another. This affected the functioning of their office. The Director came to speak with them both, when Alison returned, to help them rebuild their working relationship. HR listened to both parties and other staff members, and put in more active line manager support for Alison together with new structures and procedures to aid internal communication eg

task logs and handover notes.

But neither Alison nor Jim felt comfortable at work and they did not trust each other. There was no way that they could lead the team whilst they were both feeling so anxious and uncomfortable. Both the senior manager and members of the HR team had been involved in listening to the staff complaints and in the investigation, so it was felt that independent mediation was required. HR could see that neither individual was to blame and that they really needed to work together and move on. HR asked Rowan Consultancy to provide workplace mediation to improve the working relationship between Alison and Jim.

The Mediation process

First I met with Alison and Jim individually. Jim was desperate for a solution, he felt isolated and excluded at work, which was affecting his mental wellbeing. Alison didn't know what problem Jim had with her, she thought she treated him fairly but was annoyed that Jim didn't communicate much or respond well. Both were convinced that the other disliked them, wanted them out of their job, and was deliberately making life unpleasant for them at work.



After the initial meetings, I wasn't sure whether they would both be willing to show any vulnerability by revealing their true thoughts and interpretations of each other's behaviour and whether they would be willing to hear the other person's point of view. After all, they had been entrenched in their own



he 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 towork 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 realworld 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, Sevchelles, Canada, USA, Belgium, Ghana, Nigeria and the UK
- Sultable 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.



- 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.

A Workplace Mediation con't

Rachel Weiss

perception of reality for several months now. I asked Alison and Jim to each prepare a statement saying how they saw their working relationship and how they would like it to be. I encouraged them to include anything they appreciated about each other and the impact this situation was having on them personally.

A week later we met as a three, in a neutral venue. I outlined the ground rules, and they each made their opening statements. Then we teased out the key issues, encouraging Jim and Alison to state their understanding of the other person's viewpoint. I admired that they were both able to own their own assumptions and imagine themselves in the other person's shoes and to admit that perhaps their own behaviour had some contribution to the current impasse. This didn't come easily – a mediation cannot be rushed, since it takes time to rebuild trust.

Result! Alison and Jim went through each of the issues that they had identified, and I supported them to co-create solutions. They were beginning to talk directly to one another now, rather than talking via me. They were

also making more eye contact. These were good signs that rapport and trust were starting to be established. As ever, communication and trust were the key issues. I was able to spot some patterns of behaviour during the mediation, which they demonstrated at work – so we had live examples to look at and they could practice changing these behaviours during the mediation eg not interrupting, saying when they felt shut down, noticing when they felt attacked and were reacting defensively.

At the follow-up meeting 2 months later, I was delighted to hear from Jim and Alison that they were now working together, presenting a united front to team members and communicating with one another. They both said the mediation meeting had been a turning point, it was recognising each other's good intentions and beginning to rebuild the trust between them that had helped, as much as the actual mediation agreement points.

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 Course Fee is £600 per participant .

A Workplace Mediation con't

Rachel Weiss

Key factors for success

 The willingness of both parties to come to mediation, open to hearing the other person's point of view and to honestly sharing their own.

- The knowledge that they had to work together in future.
- Their shared commitment to making the branch function well.
- The organisation's commitment to supporting the branch by creating procedures to address some of the needs revealed by the investigation and interviews prior to mediation. This left the way clear for mediation to focus on improving the working relationship.
- The skills of the mediator in creating sufficient trust for the 2 parties to speak

honestly and constructively to challenge their assumptions about each other's' behaviours and intentions and to cocreate a way forward.

Let us know what you think and we'll publish your comments on the website email admin@scottishmediation.org.uk

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, Thorntons LLP

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



Strathclyde Housing Mediation Project

Carolyn Hirst

The University of Strathclyde Mediation Clinic recently announced the appointment of Carolyn Hirst as a Housing Mediation Project Development Worker. This Housing Mediation Project will form part of the work of the Clinic which is a free student-led mediation service (see https://www.strath.ac.uk/humanities/lawschool/mediationclinic/).

Clinic Director Charlie Irvine says that "We are very pleased that Carolyn has joined us. She brings a great deal of credibility and energy to support our ambition of founding Scotland's first centre of excellence in housing mediation." Carolyn has a wide experience of both housing and mediation, having worked in housing since 1984 and mediation since 2006.

and Property Chamber. The aim is to resolve disputes prior to or during formal legal proceedings. The hope is that this will both contribute to a buoyant housing sector and reduce the risk of homelessness.

Mediation services for landlords and tenants using a tenancy deposit scheme, who have a dispute about a deposit which cannot be resolved by the scheme's dispute resolution service

Mediation services for other disputes relating to housing, such as factoring disputes involving tenanted properties and disputes between tenants and letting agents



The Housing Mediation Project – like all Mediation Clinic services - is free to all parties. It will initially provide services in the Strathclyde area and have the following three elements:

Mediation services for private rented sector landlords and tenants as an informal alternative to the work of the Housing

Carolyn can be contacted at carolyn.hirst@strath.ac.uk if you are interested in knowing more about this project. This includes finding out how you can be involved as a mediator. The project cannot offer any payment to mediators, but can provide co-mediation experience and intends to have a programme of CPD.

Scottish Mediation News

Great Opportunity

Scottish Mediation are seeking trustees to join our Board.

Scottish Mediation is at an exciting stage of its development. Having recently published our strategy for 2018-21 we have big plans to deliver a step change in the use of mediation and mediation skills across all areas of public life in Scotland.

We are seeking new Trustees to help us take that work forward and to realise our ambitions.

We are interested in recruiting Trustees who have a broad range of skills which may have been gained across a range of sectors. Applicants may have direct mediation skills but we are also interested in applications from experienced leaders who appreciate and have experience of the organisational benefits of mediation. We also welcome those who have experience in commissioning mediation to resolve disputes, those working in local authorities, those with financial management experience and those with experience of complaints management. We are keen to ensure our Board reflects the diversity of the Scottish population.

For further details about the roles and how to apply please click here.



Welcome to Scottish Mediation

Scottish Mediation are delighted to welcome Patrick Scott and Althea Thomas as new individual members.

We are also delighted to welcome Durham University as new organisation 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 communication 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

Peer Mediation Training

A two day train the trainer course designed to equip participants with the knowledge to train other in Peer Mediation skills.

For further details click here.

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.

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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).



Scottish Mediation News

Scottish Mediation Annual General Meeting

This year's Annual General Meeting is being held on Thursday 4th October 2018, kindly hosted at the Anderson Strathern Offices, 1 Rutland Ct, Edinburgh EH3 8EY.

This years governance business will include proposed amendments to the articles of association of Scottish Mediation, a proposed nominee for the Chair of Scottish Mediation, nominations for the Board, the Annual Report and Accounts and an opportunity to influence the governance of Scottish Mediation.

In addition to the governance elements of the meeting Scottish Mediation are delighted to present John Sturrock QC as

our guest speaker. A leading light of mediation in Scotland for many years John's presentation is entitiled

"Mediation: A New Enlightenment or Damp Squib?"

The session is open to Collaborate readers and guests.

Refreshments will be provided.

The session will commence at 5pm

and it is asked that those intending to come along let us know in advance. In order to do this please click <u>here</u>.





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

Board Profile - Linn Phipps

What is your day job?

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

What motivates you to get up on a Monday morning?

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

How long have you been a Trustee, and why did you become involved? Nearly 6 years. I had been a mediator – through coaching – for several years before that. Taking on a voluntary role in support of mediation, as chair the SMN's WEIG, had brought me into closer contact with the Director and support team. So the Trustee role looked really interesting.

Did you have any prior knowledge of or involvement with the Network before? Yes, through WEIG (Workplace & Employment Initiative Group).

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

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

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

A membership strategy – clarifying our offers and determining our key stakeholders, and how best to influence, financial sustainability, demonstrating our impact. More



broadly, raising awareness of mediation and of a culture of "mediating ways". None of them new though!

If you could change only one thing for mediators, what would it be? Wider recognition of how mediation can help – and more opportunities for practice of mediation in all contexts.

What keeps you busy outside of work?

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

Workplace Employment Initiative Group

August 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 if you are able to attend.

Looking forward to meeting up,

Slainte

Linn

Linn Phipps, Chair, SMN WEIG, 07917 564440