




In this edition of Collaborate	Page
<b>Open for Business</b> Scottish Mediation are not in the office, staff are working from home and delivering as usual.	1
<b>Parenting Apart</b> Bryan Clark and Gerry Keegan on their study of Parenting Apart, a Relationships Scotland project to help separated parents work together.	2-4
<b>Cooperation an Essential</b> John Sturrock examines why cooperation is needed more than ever.	6-7
<b>A Different Approach to Disputes in Housing</b> A review of Scottish Mediation's Housing Project	8-9
<b>Scottish Mediation News</b> All the latest news from Scottish Mediation.	11
<b>Board Profile</b> Scott Docherty gives an insight into his work for the Board of Scottish Mediation.  Plus News from Scottish Mediation and information from recent events	12,13
Adverts from: University of Strathclyde, Scottish Community Mediation Centre, RICS Scotland, Core Solutions, Mediation Partnership and Rowan Consultancy.	
	

## Open for Business

The last two weeks have taken a bit of getting used to. Thinking about how to continue providing services so that people can access mediation and information about mediation has allowed us to make Scottish Mediation work from home.

As a result our Helpline continues to operate though we are asking people, if they have email, to get in touch by emailing [admin@scottishmediation.org.uk](mailto:admin@scottishmediation.org.uk) . For those who don't you can still leave a message on our answerphone and we will respond as soon as we can.

We set up and delivered our first online Third Sector mediation last week and it all went well.

We've also had to think about how we can continue to help mediators and our first task was to take our meetings online. It was easier than expected and the feedback from those who participated in our catch up last week was very positive.

We're currently working on our training and CPD and hope to announce our revised programme soon.

The other things we have been doing is to ensure that everyone has access to information about how to use the technology to make online mediations as normal as possible and that includes what mediators can do to help parties unfamiliar with online mediations to feel as prepared and relaxed as possible.

## Bryan Clark and Gerry Keegan: Make sure that you keep communicating when it's time to split

Rosanne Cubitt

It is beyond doubt that splitting up can be immensely difficult and emotionally draining. Throw children into the mix and the stakes get higher, with the potential to push warring parents to their limits. In the midst of this crisis, parents may find it impossible to keep communication channels open to take the best decisions for their children. But there is help.

One port of call to help parents prepare for the long road ahead is the Parenting Apart service offered by Relationships Scotland, which has member services covering the whole country. Parenting Apart is a three hour group session led by facilitators providing an opportunity for parents to help themselves and their children move forward and gain insight into how, as a family, they can deal with the transition to living apart in a way that's best for everyone.

Research into the Parenting Apart service has recently been conducted through the Newcastle University Law School. Insights were gained through questionnaire responses from parents into their immediate appraisals of Parenting Apart and through follow-up reviews between three to six months



Photo by [Benjamin Manley](#) from [Unsplash](#)

later, detailing how their family circumstances had since improved. The researchers also interviewed parents and conducted focus groups with Parenting Apart facilitators to gain fuller insights.

The headline findings are very positive. For example, 96 per cent of parents said they would recommend Parenting Apart to others; 86 per cent viewed that Parenting Apart increased their understanding about how to better help their children cope 'a lot' or 'quite a lot' and 84 per cent agreed that what they had found out in Parenting Apart would improve their family situation.

Importantly, involvement in Parenting Apart also seemed to hold lasting benefits



for many. At the three to six month follow up review stage, in response to the question 'How well are you coping with your family situation?', those answering 'very well' or 'well' moved from 27 per cent to 53 per cent; to the question 'How well do you think your children are coping with their current family situation?', those answering 'very well' or 'well' rose from 31 per cent to 56 per cent; and to the question 'How well are you, as parents, able to make arrangements for your child/children?', those answering 'very poorly' or 'poorly' dropped from 59 per cent to 40 per cent.

Interviews with parents helped shed light on why Parenting Apart often held such positive impacts. In this respect, two main factors were prominent – guidance from facilitators about focusing on the best interests of children, and the



# Mediation Training Programme

A facilitative and evaluative approach to mediation in the built environment

Highly practical and intensive, the RICS Mediation Training Programme will prepare you to mediate the most complex disputes to the highest standards across land, property, construction and infrastructure.

This face-to-face course embraces the facilitative and evaluative approaches to mediation. Our expert trainers will provide you with in-depth, practical coaching and you will receive feedback from both your trainer and your peers.

To enrol today visit: [w rics.org/mediationscotland](http://w.rics.org/mediationscotland) † 0131 240 0832

## Bryan Clark and Gerry Keegan: Make sure that you keep communicating when it's time to split

Rosanne Cubitt

benefits of sharing like experiences with other parents. On the former, as one parent explained: "Listening to [the facilitators] got me thinking that right now it's what my daughter is feeling and what is best for her that I need to focus on".

On sharing experiences with others, one parent reflected: "We were all in the same boat, pretty much feeling the same emotions, going through pretty much the same thing... [we] could express what we were feeling without the feeling of being



Photo [Guillaume de Germain](#) on [Unsplash](#)

shot down or contradicted." Another noted that "[divorce is] a lonely experience and to know that it happens all the time

made me realise that everybody just wants the best for their kids". Parents often also recounted how Parenting Apart helped them take further steps necessary to make arrangements for their children, such as family mediation. Mediation is a well-established form of dispute resolution offered by Relationships Scotland member services in which an independent, impartial mediator assists separating parents to reach agreements.

In our focus groups, facilitators spoke of

the benefits of Parenting Apart in readying parents for mediation by helping them move on from their personal grievances and focus on what was important for their family.

While we would caution that Parenting Apart is not always effective, in the main our study pointed to high satisfaction levels with longer term benefits evident. Parenting Apart has become well established over recent years with awareness levels growing in the Scottish legal profession. The service has been made possible through dedicated Scottish Government annual funding from April 2015 to March 2019. With that money recently withdrawn, the good work of Parenting Apart is now at risk. We advocate that further dedicated funding be made available so that Parenting Apart can continue to provide beneficial outcomes for children and families.

To find out more about the support available from the Relationships Scotland network of Member Services, visit [www.relationships-scotland.org.uk](http://www.relationships-scotland.org.uk) or call 0345 119 2020.

The full Parenting Apart research report can be accessed [here](#).

Bryan Clark and Gerry Keegan, Newcastle University Law School

This article was previously published in the Scotsman on 3 March 2020

# Scottish Mediation Charter

Graham Boyack

The Scottish Mediation Charter was launched in January this year at an event hosted by Morton Fraser Lawyers at their Edinburgh Office.

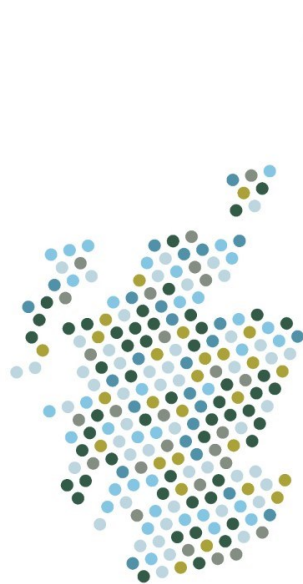
David Hossack from Morton Fraser spoke about how the Charter fitted with Morton Fraser's approach to dispute resolution and its client centred approach. To view David's contribution click [here](#). David was joined by Andrew Boyd from SCCR Cyrenians who spoke about how

mediation is central to the work Cyrenians carry out to prevent homelessness. To view Andrew's contribution click [here](#). Ian Kerr from James Young High School in West Lothian spoke about mediation fits with the culture they are seeking to create in the school. To view Ian's contribution click [here](#).

The idea of a Charter for mediation comes from the success of Charters in the UK such as the Living Wage Charter, the Athena Swan Charter and abroad the Singapore Mediation Charter and ones in India and France too. The success of those has been to raise the profile of the issues concerned in a way that engages a wide range of organisations. In doing so the message has been kept simple and the actions expected from organisations who support the Charter clear. In all of them there has been a focus on organisations assessing what they can do which works for their culture and procedures.

For mediation the key drivers have been

to raise the profile of mediation and the broad application of mediation skills across organisations. The positives for organisations are around culture, better ways of working and better engagement with their customer base. Key in all of the benefits is the idea of having positive conversations before people become stuck in procedures that might not be able to deliver the outcomes people are seeking.



## THE SCOTTISH MEDIATION CHARTER

The Charter as has been developed reflects a light touch approach. The asks for organisations are to commit to using mediation where appropriate and to equip their staff with the skills of mediation where appropriate. There are ancillary asks involving profiling a commitment to the Charter on websites again where appropriate and to be on the published list of organisations held by Scottish Mediation.

To sign up the Charter is easy and can be done online. For details please click [here](#).

If you know organisations who you think should sign up please encourage them to.

## Why cooperation is needed more than ever

John Sturrock

“The only thing which will redeem mankind is cooperation” said the philosopher Bertrand Russell. Perhaps only a real crisis will enable us truly to appreciate what this means and what it takes.

The impact of the COVID-19 virus is seen by some to be akin to being in a world war though, as others have observed, military metaphors seem unhelpful. The extent of disruption seems likely to be more extensive for many people. On this occasion, however, we are all in it together. There is a common threat. We cannot overwhelm it by force. We do need to help each other, to find a vaccine, to reduce the risk of infection, to provide support to those afflicted and so on.

Unless we choose to look for scapegoats, there is no us and them. This time, with a very few exceptions, no man or woman

is an island. While we must do what we can to reduce transmission, physical borders and walls are a partial protection only to keep out that which threatens us.

Maybe, just maybe, this provides us with the very opportunity we need. Hubris and manipulation will have limited traction. Humility and honesty are the only currency. Leaders are emerging who manifest these qualities. The rest of us have choices. When we are fearful, the natural reaction may be to retreat into self-protection. Fight, flight or freeze. But we'll need to try and override that understandable impulse.

Thinking about the needs of others as well as ourselves will take conscious thought, compassion and kindness. That is what we need to do to survive, to get through this.



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

Residential Summer School

Sunday 30 August, 16.30 – Wednesday 2 September, 16.30 2020 (CPD: 24hrs +)

at the excellent Carberry Tower, Musselburgh

Assessment Module

Tuesday 27 October - Friday 30 October 2020 (CPD: 32hrs+)

To register and/or for details of Core's mediation, facilitation and training services, contact Paula Cumming at 0131 524 8188 or [Paula.Cumming@core-solutions.com](mailto:Paula.Cumming@core-solutions.com)

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

Better Conversations, Better Outcomes

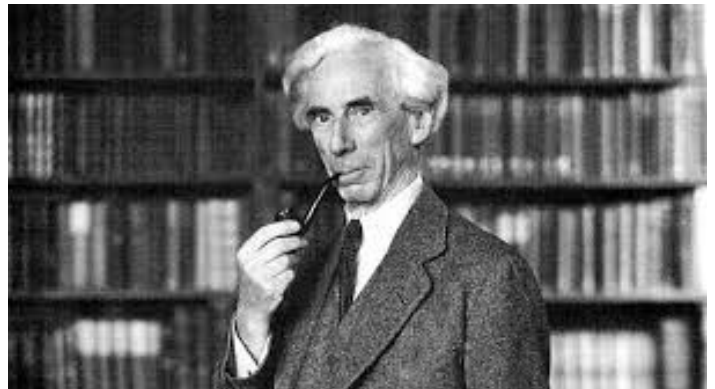
Early  
Bird places  
available until  
22 May

## Why cooperation is needed more than ever cont'd

John Sturrock

What is in your interests is also likely to be in mine. What might that mean in families, in communities and in our nations? How does that fit with staying at home? It is in our mutual interests to reduce contact as much as possible. Can we find ways where minimal contact can be balanced with being, somehow, available to others, while still adhering to official instructions?

How we resolve such apparent dilemmas may be some of the biggest challenges in this whole experience. Let's keep asking questions and listening to others to ascertain their needs, hopes and fears. Let's acknowledge these and try to offer appropriate reassurance and help. Let's explore what we can realistically do for each other. Let's ensure that love prevails over fear.



Above all, let's hold on to hope. The hope of a future where we recognise that we – and the planet which sustains us – are interdependent, vulnerable and much in need of cooperation in order to survive.

## Resolve conflicts at an early stage

### Mediation Skills

Perth 6th and 7th October 2020

£480 + 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](http://www.rowan-consultancy.co.uk)  
[rowan@rowan-consultancy.co.uk](mailto:rowan@rowan-consultancy.co.uk)  
01738 562 005

  
Approved  
Centre

# Mediation in Housing

May Millward and Amanda Rigby Greenhaugh

## The Project

Over the past year we have run a project to develop and deliver a three hour workshop on conflict management for private letting agents. The workshop, based on techniques used in mediation, would help them to improve their conflict and relationship building skills to prevent issues escalating into costly disputes. The project ran from February 2019 and was extended to February 2020.

## Partnership

We recognised that for the project to be successful we needed to work in partnership with an organisation that was already established in providing training to private letting Agents. In April we met with Landlord Accreditation Scotland (LAS) to discuss potential partnership arrangements. LAS were keen to be involved and we agreed to provide our services for the workshops free of charge and to provide course resources with the SafeDeposits Scotland Funding acknowledged.



**SafeDeposits Scotland Trust**

LAS would promote the workshops, provide the accommodation and administration, issue CPD certificates and charge a reduced fee to cover this. This was an ideal arrangement as it embedded the workshop in a recognized CPD programme, enabled us to reach a wide audience, provided credibility and improved sustainability.

## Promotion

Our main avenue for promoting the workshops was through LAS, however, we also attended a number of conferences –

Shelter Private Rented Sector Conference, Arla/PropertyMark Scottish National Conference, Scottish Letting Day and South West Scotland Landlord Conference – and provided workshop sessions at the last two.

## Workshops

Our experience of engaging people in mediation and conflict management issues is that people are not familiar with the concept of mediation, usually only think about conflict management after a situation has arisen and do not recognize that preventative measures can prevent the escalation of issues into a crisis. Because of this they often do not see this form of training as a priority. In addition, it was likely that agents would give priority to the mandatory requirements of the new Letting Agent Code of Practice.

Whilst we were happy to accept the funding requirement to deliver eight workshops for up to sixteen participants in each we realised from the outset that the challenge would be in attracting



Photo [Chris Gerber](#) at [Unsplash](#)



# Mediation in Housing cont'd

May Millward and Amanda Rigby Greenhaugh

sufficient participants.

Initially LAS scheduled eight workshops but unfortunately they did not get sufficient applicants for those planned for Bishopbriggs in October 2019 and Dumfries in January 2020. We offered to run a workshop in Orkney as we were providing similar workshops there to the NHS and third sector organisations and therefore would not have required travel costs, but this was not feasible for LAS. We were not able to offer free workshops outside the LAS agreement as this would have been a conflict of interest. To get around this we delivered a pilot workshop in Edinburgh for some of their regular clients. It has not been possible for LAS to arrange another workshop within the project timescale, so our outcome was seven workshops with a total of 79 participants.

## Workshops

10 Sept 2019	Edinburgh	11
20 Nov 2019	Inverness	14
27 Nov 2019	Prestwick	7
11 Dec 2019	Fife	7
15 Jan 2020	Aberdeen	17
23 Jan 2020	Hamilton	10
18 Feb 2020	Perth	13
<b>Total Participants</b>		<b>79</b>

## Feedback

All participants were asked to complete an evaluation form at the end of each workshop. This was devised to meet the needs of both Scottish Mediation and LAS. The feedback from all the workshops has been overwhelmingly positive. The content was clearly relevant to the role of private letting agents and participants identified with the examples provided and could identify where they would use the learning in the context of their work. In addition to the written feedback both LAS

and ourselves have had very positive verbal feedback both during and after the events. The only consistent "negative" comment has been that the event was too short and that people would have welcomed a full day or even two day event. This may be something to consider in the future however the length and timing of the event reflects LAS's experience of what is most attractive in the range of courses they offer. It is encouraging that nearly all the participants would recommend the event to their colleagues and we have already seen evidence of this happening.



Photo [David Wheater](#) at [Unsplash](#)

In addition to the evaluation forms issued at the workshops we also plan to send out an online survey after three months to find out if the event has a lasting impact. Because of the timing of the events we only have results from the Edinburgh workshop at this stage and unfortunately this was sent out over the Christmas and New Year period so the response rate was low. Nevertheless, it indicated that participants have used most of the techniques covered and that it has been of benefit to both them and their organisations.



## LLM/MSc Mediation and Conflict Resolution

**T**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.

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

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.
  - The Mediation Clinic continues to increase 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. Cohorts have 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.

**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

# Scottish Mediation News

## Welcome to Scottish Mediation

Scottish Mediation are delighted to welcome Pauline McKay, Gagan Dillon, John Armstrong, Paul Watson, Nicholas Davidson, Flora Henderson, and Jill Hollis as new individual members.

Steven Garven, Sarah King, Barbara Bell, Neil Bowie, Gary Hannan, Annetta Macleod and Sharon McKay join as a new Practitioners.

Squaring Circles join as an organisation 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](#).*

## Training and CPD

With the Covid-19 situation Scottish Mediation are moving training and CPD online for the next period. We are currently revising the CPD planned for Glasgow and Edinburgh in April and May and will announce details shortly. Look out for details by email, on Eventbrite and on our website [www.scottishmediation.org.uk](http://www.scottishmediation.org.uk).



## THE MEDIATION PARTNERSHIP SMR Accredited Mediator Training



**First Course in Scotland to be accredited by the Scottish Mediation Register**  
**Dates: Thurs 17<sup>th</sup>, Fri 18<sup>th</sup> & Weds 30<sup>th</sup> Sept, Thurs 1<sup>st</sup> & Fri 2<sup>nd</sup> Oct 2020 (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

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 - Scott Docherty

***Scott Docherty gives an insight into his passion for mediation and his involvement as a Trustee.***

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

I am a mediator and partner at McArthur Stanton, Solicitors, Dumbarton and Helensburgh. Beyond that I am the founder of Mediation In Your Pocket, a project of innovation in conflict engagement that is being developed through 2020. Amongst other things I also provide online mediation training and am a convenor of CALM Scotland, the Scots organisation of family lawyer mediators.

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

Aside from an unhealthy dose of coffee, helping people from all walks of life take ownership of their conflict. The aim that drives me is to help bring about significant change in how we handle conflict, from the bottom up. This involves not only helping those in conflict engage with it effectively, but also spreading awareness of the mechanisms available to help them do so, and helping move forward discussions at all levels up to government about revolutionising our approach in conflict from early years onwards.

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

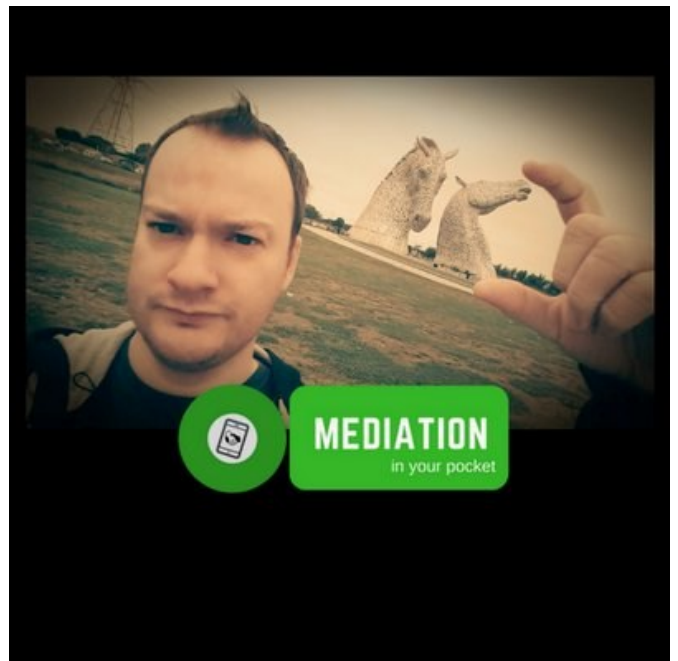
I joined the board in 2016, having been aware of Scottish Mediation's vital place in Scotland's developing conversation about conflict. As an umbrella organisation, it is well placed to provide a powerful national voice to those in conflict, to encourage the state to listen and act more constructively in response, to help design less adversarial models of resolution, support and engagement around the needs of those in conflict rather than within a 'one size fits all' solution. Idealistic it may sound, but look at other jurisdictions and you will see that with a little drive and collaboration, actually it's reachable.

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

Yes, initially through its former chair Ewan Malcolm. However, check the Minutes of a whole swathe of meetings in Scotland about conflict engagement and you might conclude that Scottish Mediation definitely gets around!

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

Personally, getting to know my fellow board members. Professionally, being involved in the development of peer mediation in Scotland's schools, and in numerous discussions about strategy, awareness, civil court rule changes, the Scottish Mediation Charter, and Mediation 2020.



## Board Profile - Scott Docherty

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

A change of culture, which has been ingrained over generations in pulling those in conflict out of the river rather than moving up stream to find out why they fell in. Historically, and this is my opinion and not necessarily Scottish Mediation's, our government has funded a civil and administrative justice system that, intended or not, fails to respect and support those in conflict. From my more recent discussions at that level, this appears to be recognised, but there is so much invested in the present system, so little priority given, that it feels able to tweak only the edges of this under-resourced and over-burdened system rather than to design something completely new, something that could help those in conflict, from school age and beyond, understand what's going on, understand how to get the support and guidance they need to take ownership of their issues rather than feel constrained to cede responsibility of resolution to others. The challenge, then, is to persuade the government to be brave enough to shift its funding priorities. If the government's strategic objectives really are to help us be wealthier, fairer, more healthy, safer, stronger, and greener, then conflict sits right at the heart of all that. Help us engage with it more constructively, and just watch what will happen...

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

To make their door easier to find, easier to open. OK, that's two things, but hopefully you get the point!

### What keeps you busy outside of work?

Family, friends, football, and no doubt more things that begin with "f".

### Five-Day Mediation Skills Course, Glasgow

27 & 28 August, 3, 4, 11 September  
2020



Designed for people who will be using mediation skills in their work, this course is accredited by the Scottish Credit and Qualifications Framework. 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.

## Workplace Employment Initiative Group

March 2020

Dear Scottish Mediation colleague

### **WEIG Meetings During Covid-19**

This month we welcomed workplace mediators to our first online meeting since establishing the WEIG.

It was very successful and we were joined by Duncan Davidson from [Ro-hallion](#) a digital agency who specialize in online working. We were able to share experiences on how we are adapting to home working and supporting clients online. Unfortunately this didn't include me as I was still stuck in the S Atlantic trying to get home! I'm home now though rather dazed, and looking forward to our next one as of course none of us are going anywhere soon!

Our next meeting is scheduled for 8th June 2020, we'll be online and are putting together our topic just now and will advertise on email and on our website.

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, hope everyone stays safe and well, including the team at SM,

Thanks a lot

Slainte

Linn

Linn Phipps, Chair, SMN WEIG, 07917 564440