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Adverts from:  
University of Strathclyde, Scottish Community Mediation Centre, A Place for Hope, Mediation Partnership, and Rowan Consultancy.

## Mediate 2020 - 16/17 November.

This year Mediate 2020 is going fully online delivered over two half day sessions.

On our first day we are delighted to welcome Paul Embley the CIO and Technology Division Director at the National Center for State Courts in the USA. Paul is going to speak about developments in Online Dispute Resolution and Mediation.

On our second day we welcome Professors Rachael Field and Jonathan Crowe from Bond university in Australia. They recently published Mediation Ethics from Theory to Practice. One of the headlines from the book is that they have been developing a new theory of mediation that emphasises its nature as a relational process. They argue that mediation ethics should move away from the untenable notions of mediator neutrality and impartiality and towards a focus on party self-determination.

Over the two days we'll be running a series of workshops including topics such as building resilience and creativity, looking at Covid and mediator responses, at equalities and racism and what lay people know about justice.

For more information click [here](#).

# Scotland Reignites the Mediation Spark

Jonathan Rodriguez

Among the many reasons I chose to do my post-graduate studies in Scotland is the fact that I was beginning to burn out on mediation – which would have been a shame, considering that I had dedicated the last 5 years to pursue an exclusive career in conflict resolution. Seeking inspiration, knowledge and mentorship, I enrolled for an LL.M. in Mediation and Conflict Resolution at the University of Strathclyde – and this journey has refreshed my soul.

From an educational perspective, here's what I cherish the most:

**Library Time** – I had spent a lot of time creating awareness and building platforms to promote mediation in India, but didn't find enough time to sit back and refresh my learnings. Reading diverse perspectives from books, journals, blogs and other publications gave me mixed feelings. Some of what I read confirmed what I already learnt or theorised privately, but most of the literature challenged me to rethink my already set standards and principles of mediation. I grappled with these texts on a daily basis, almost forcing me to critically evaluate them in my essays and reflective journals during the course. I particularly enjoyed reading the vigorous efforts put in by private practitioners, academics and organizations in Scotland to promote and normalize the use of mediation in civil society.

**Learning Together** -- Participating in classroom discussions and mock roleplays during our interactive weekends made me richer in experience. It allowed me to view mediation through the eyes of social workers, first responders, counsellors, nurses, businessmen, lawyers, engineers, public relations executives, etc. The concept of separating the person from the problem and engaging in interest-based negotiations was a major focus area for many of us who carried along different understandings of trust and ethics from

our workplaces into the class. Accepting these differences made it easy for us to empathise with someone from a completely different professional background.



Photo by [Stephanie McCabe](#) on [Unsplash.com](#)

These conversations further matured with the intriguing perspectives and insights we drew from our diverse cultural backgrounds. At one point in class, we had participants from Scotland, Kuwait, India, Zimbabwe, China, Germany, Saudi Arabia, Greece, Finland, Syria and Ukraine – making for interesting group exercises and cross-cultural references. It taught us to respect how the principles of mediation are perceived and interpreted in different cultures. Glasgow has the capacity to be a melting point of traditions; and Strathclyde would benefit in continuing to encourage a diverse group of participants, facilitating a fusion of international ideas. I got to experience how participants from individualist and collectivist cultures behave differently in a negotiation setting – how we begin the negotiations, engage in trust-building measures, express our interests and anchor the positions.

'Mediate 2019 - The Words We Use', a conference hosted by Scottish Mediation in Edinburgh was an evening I shall cherish professionally and personally. I had a chance to meet some distinguished professionals in the conflict resolution field

# Scotland Reignites the Mediation Spark

Jonathan Rodriguez

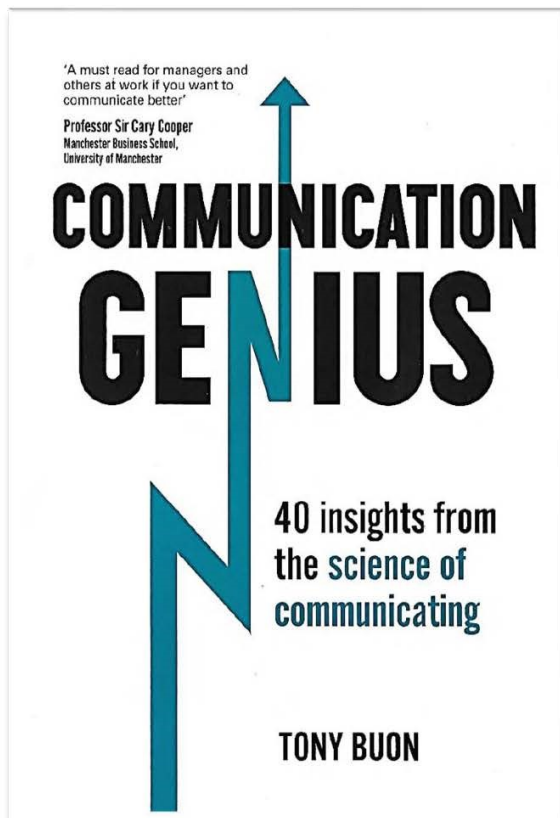
which led to memorable working opportunities. Personally, I remember being disappointed about mediators being addressed as “manipulative” in one of the sessions and though the room seemed divided on that tag, I particularly expressed my displeasure. On my bus journey back to Glasgow, I reflected about my state of mind and ruminated whether being ‘persuasive’ or ‘diagnostic’ in practice actually reflected manipulative behaviour. I wrestled with this thought and began to search for answers during my readings and practice at the Strathclyde Mediation Clinic. Moments such as this suggested a reflective attitude.

Feedback – By feedback, I just don’t mean the critical reviews we got for our essays and assignments, and practical simulations; but, also the advice we re-

ceived from our peers after a group activity or role-play. Back in India, I was so used to hearing flattering feedback from students, faculty and administrative staff who hosted me for workshops, that I hardly received any constructive criticism which could help me further develop my skills. Critical opinions from peers is what I found to be the most difficult to accept and assimilate, despite it being the crudest and most sincere form of professional review one can get.

Scotland helped me Pause, Rewind and Rediscover my passion for Mediation.

(Jonathan Rodriguez is a lawyer and mediator from Goa, India. He is the co-founder of The PACT, New Delhi; and is currently posted at CAMP Mediation, Bangalore)



## A Useful Resource for all Mediators

Written by a Scottish Mediation Network Member and Professional Mediator Tony Buon, this book has many chapters that will be of use to mediators in their practice. These include chapters on:

- Cultural differences in communication
- Brainstorming: have you been doing it wrong?
- Does everybody lie?
- Communication is not all about body language
- Groupthink: revisiting the theory of error
- Attending skills - the SOLER model

With forty chapters, meticulously researched, the book is available in print or as an eBook. The Paperback on Amazon is £12.99, and the Kindle Version is presently discounted to £2.99 <https://amzn.to/3km30EA>

[www.buon.net](http://www.buon.net)

336 pages ISBN-10:1473605407 Publisher: John Murray Learning



# Scottish Mediation News

## Welcome to Scottish Mediation

Scottish Mediation are delighted to welcome Beverley Cridlan, Laura Ewart, Paul Wilkie and Craig Murray who **join** as new individual members.

Tony Buon joins as a new Practitioner.

Resolve join as 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](#).*

## Training and CPD

Scottish Mediation are delighted to present our **Apology in Mediation CPD on October 15th October 10am-1pm and on 27 October 1pm-4pm.**

It has been said that the act of apology is one of the core reparative opportunities in damaged relationships. This 3 hour interactive workshop facilitated by Carolyn Hirst will explore the part that an apology can play in righting perceived wrongs and restoring relations. Questions to be considered include: What is an apology? What is the purpose of making one? Who should make and receive an apology? and Is there an optimal time for making an apology? The workshop will draw on research and practice, with mediators being invited to share experiences and discuss approaches.

This CPD is being held online. To book your space and for further details click [here](#).

## Annual Verification Update

Every year Scottish Mediation selects members from the Scottish Mediation Register and undertakes a detailed verification of their mediation hours and their CPD and learning activity.

This year the following mediators were selected and we are delighted to say that they all met the standards set out.

Patrick Scott, Anne Dick, Hew Dundas, Natalie O'Hare, Carolyn Thompson, Catriona Davies and Ailie Barclay.

## Scottish Mediation AGM

Held on line last week, the Scottish Mediation AGM attracted one of it's largest audiences in recent years.

As part of it's business it received reports from the Board and it's Director. A copy of the Annual review is available to read [here](#).

Colin Harper was elected to the Board and is joined by co-optees Sarah Allen and Gordon McKinlay.

We were delighted to have Annie Mauger-Thompson Chief Executive of Sacro as our guest speaker. Annie brought to life examples of where mediation plays a critical role in the work of Sacro whether in community mediation, restorative justice or in its work around community safety. She was also able to reflect on how Covid has impacted both on her work as Chief Executive and of the work of Sacro as a whole.

# Scottish Mediation Charter

## Organisations Signing Up

Since its launch in January the Scottish mediation Charter has continued to attract commitments from organisations across Scotland.

### What is the charter?

It is a public statement of an organisation's commitment to using mediation as a way of resolving disputes and to equipping staff with the skills of mediation.



THE SCOTTISH  
MEDIATION  
CHARTER

stakeholders that the organisation is one that would seek and encourage dialogue as a core part of the way it conducts business. By signing up to the Charter organisations you can also share with and learn from other signatories through events for Charter Signatories.

There will be resources available to Charter members such as template policies and procedures and contact points to help take mediation forward.

### Why Sign Up?

Using mediation to resolve disputes can be more effective and help maintain both internal and external relationships. This can have a positive impact on an organisation's culture as an organisation that is skilled in dealing in conflict can also utilize its positive force for innovation and change.

Signing up gives an indication to key

### How Difficult is it to Meet the Standards?

The Charter is based on a self-assessment approach and essentially whether the organisation fulfils the two main commitments.

### What Does it cost?

There is no upfront cost in signing the Charter. For more info click [here](#).

## Restorative Skills Training October 2020

This course, first delivered in 2017, provides a safe and enjoyable environment to learn the practical skills that are needed to become a trained restorative practitioner. Learners are taken through all stages of the restorative process. The course demonstrates how the theory of restorative practice is applied to real life scenarios, and develops your ability to manage the restorative meeting.

Objectives:

On completion of this programme of study the learner will:

- Understand their own and others' responses to harm and offending;
- Know the main different approaches to dealing with harm and offending;
- Appreciate the ethics informing restorative practice;
- Understand the legal context in which restorative practice operates;
- Demonstrate the role of the practitioner in different stages of the restorative process.

**Due to the pandemic, this training will now be held online (Zoom) and places are limited. For more information or to book a place, 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**



## 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 Scottish Mediation 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!!

## Mediation #NeverMoreNeeded

Graham Boyack

During the Covid 19 crisis the Scottish Council for Voluntary Organisations (SCVO) has been running a #NeverMoreNeeded campaign to highlight how essential the voluntary sector is now and in the future.

Back in 2015 Scottish Mediation was thinking along the same lines when we set up our Third Sector Mediation Project. We recognised that third sector organisations are likely to have the same issues as any other but there is the additional complication of the differences and dynamics between employees (often on a variety of different contracts), trustees/boards/committees and volunteers. Currently many of these organisations are being encouraged to work in partnership with others that they have been (and may still be) in competition for funding. Together with bringing together differing values, cultures and aims this can be a source of dispute.

Launched on 1 October 2015 in partnership with SCVO, the Third Sector Mediation Project aims to raise awareness of mediation in the sector and provide free or low-cost mediation to small charities and voluntary organisations who otherwise are likely to consider mediation as too expensive. The project offers free or reduced rates depending on the income level of the Third Sector organisation. The largest organisations are offered the standard Scottish Mediation Helpline rate but still benefit from advice and support tailored to the Third Sector. Most mediations are completed within one day but any extensions are agreed directly with the mediator.

Five years on and after being Highly Commended at the National Mediation Awards, Scottish Mediation have just published a report which looks back on the last five years.

Since the start of the project there have been 183 Third Sector Helpline calls resulting in 57 mediations. The number of Third Sector Helpline calls and subsequent mediations have been increasing steadily. The latest figures show a year on year increase of 15% for Helpline calls and 27% for mediations. All Helpline calls are followed up and the reason for not progressing to mediation is usually a

reluctance of one parties to participate. However, in many cases the Helpline discussion and information provided on mediation have encouraged the parties and their organisations to reflect on the situation, communicate more effectively and resolve the issues themselves.

In terms of who we have worked with there is a spread across all sizes of organisations. More mediations are carried out for larger organisations, which is not surprising as they will usually have dedicated HR resources and are more likely to be aware of workplace mediation as an aid to dispute resolution.



[scottishmediation.org.uk](http://scottishmediation.org.uk)

scottish  
mediation

Involvement in disputes has centred mainly on employees with Board members a close second. There has not been as many with volunteers due to the fact that they will often leave if they are unhappy. There is also a growing trend to use mediation to resolve disputes between organisations. The issues can range from finding it difficult to work in partnerships to assisting with complaints by clients or users.

The success of the project is underlined by the statistic that 85% of mediations result in a successful outcome and agreement. This is encouraging especially as mediation is very often used as a last resort when positions have become intractable and everything else has been tried.

Since the project's inception we have promoted it widely through SCVO, the Association of Chief Executives of Scottish Voluntary Organisations (ACOSVO), the office of the Scottish Charity regulator (OSCR) and through Scotland Third Sector Interfaces. We've used a variety of ways to communicate





## 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, in Scotland and overseas.

**Legal training is not a pre-requisite; the MSc/LLM option means students from a wide range of disciplines can tailor the course to their needs.**

Distinctive features include:

- A thorough introduction to the academic study of mediation
- A focus on interpersonal mediation skills including the ability to deliver online mediation
- **The Mediation Clinic**, enabling students to work closely with experienced mediators. The arrival of Simple Procedure has brought many more cases to the Clinic, increasing the opportunities for students to gain real world experience
- 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. Recent cohorts have included students from India, New Zealand, Ecuador, Brazil, Ghana, Nigeria, Seychelles, China, Canada, USA, Germany, Spain, Czech Republic, Poland, Belgium, Iceland and the UK
- Suitable for leaders, 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 and arbitration plus classes from throughout the Law School.

**Start Date:** September each year  
**Mode of Study:** Full-Time or Part-Time taught by a combination of evening lectures and intensive weekend sessions. For 2020 we are introducing a blend of online and face-to-face teaching.



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



## Mediation #NeverMoreNeeded

Graham Boyack

about the project including leading workshops, recording a video to show how mediation works and stalls at major events. We've also developed a skills workshop for Third Sector organisations that gives a flavour of mediation skills and some practical tools for people to use day to day.

With the Covid 19 situation we've had to adapt and are now delivering online workshops. Mediations have also taken place online too. We've noticed that there are some different dynamics involved, and that the process can be as successful as those carried out face to face. We've also been inspired to launch a Covid 19 Mediation Service which can be accessed through our website.

Since its launch one of the major things we have been able to do is increase the profile of mediation and mediation services. We've been on TV, in local and national newspapers, and as a result I think this will have brought mediation to the attention of a wider audience. We have also recently focussed on how

we can help in schools with issues and conflicts which arise from the Covid situation.

For me our project very much supports the idea of #NeverMoreNeeded. Sometimes people's passion in the Third Sector can lead to disagreements and dispute. However, through our projects we hope to support those people and organisations to continue their great work.



### THE MEDIATION PARTNERSHIP SMR Accredited Mediator Training



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

***N.B. This course has now moved online and will be delivered over eight morning sessions with an additional half day assessment***

**Dates: Thurs 22<sup>nd</sup>, Fri 23<sup>rd</sup>, Tues 27<sup>th</sup>, & Weds 28<sup>th</sup> Oct,  
Thurs 5<sup>th</sup>, Fri 6<sup>th</sup>, Thurs 12<sup>th</sup> & Fri 13<sup>th</sup> Nov 2020  
(Assessment Thurs 19<sup>th</sup> Nov 2020)**

This intensive online 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)

# Young Talk Training Goes Online

Kathryn Hilditch and Sarah Welsh

Back in March when the Government closed schools and told everyone to stay at home if possible, the future of our Young Talk project and peer mediation training seemed unclear. Our delivery model of face-to-face training involves lots of interaction, working in small groups, playing contact games, encouraging participants to shake hands, and lots of other things that now simply weren't possible. We scratched our heads and considered whether peer mediation would just need to be put on hold for a while until things got back to normal. At the same time though we were also increasingly aware of the potential for the Covid-19 situation to heighten tensions for young people and make arguments and conflict more likely in their lives both at home and in a changed education environment.

We thought long and hard and decided to trial one of our training options online – our Online Peer Mediation Training for Trainers was born.

The idea of Training for Trainers is to train adults who either work with young people or are keen to work with young people in whatever setting, to deliver training in peer mediation skills to those young people. The training mirrors the peer mediation training we offer directly to young people but allows for more reflection and discussion and consideration of how and why we approach the training in the way we do. This allows participants to gain an insight into peer mediation, how the training works and how to support young people to become peer mediators and set up a peer mediation service within their setting. We spent some time over the summer working out ways to take the training online. Our usual training involves a full day in our Edinburgh offices but we felt that a full day looking at a screen can be too much. We therefore condensed the training into two two-hour sessions with a few days in between for reflection.

In line with our face-to-face training, the online version encourages lots of interaction ensuring the participants feel involved from the start and also linked to each other, despite not being physically together. We use a mixed-delivery style, using a mixture of

group work, presentation, discussion, interactive exercises and resources such as our peer mediation films and Young Talk App. Some exercises we can still do entirely online and others we can explain or adapt to ensure participants still get a good overview of how the training works in practice.

So far we have delivered one full training and as we write this article we are in the middle of our second. We as trainers have thoroughly enjoyed these sessions and feel that we are still able to get important messages across even though we are not physically with our participants. We feel that the accessibility of the online session has opened up the training to a wider variety of people than may previously have been able to attend. Despite the occasional technical issue, we feel that people are also perhaps more comfortable more quickly online and do not see any reduction in the fantastic contributions that those attending our training continue to make.



Feedback from participants has been very positive both in terms of practical concerns and the content and delivery. The reduced time commitment involved, which now doesn't involve things like travel and parking and potential stresses associated with those, was seen as a real positive. It was also noted, especially from teachers who have attended, that it is a lot easier to take 2 hours out of a working day, than to be away for a whole day which means cover would then be necessary. Participants also felt the content and additional resources provided were very helpful and that they felt supported to take their learning forward both during the course and with the after-care support that we offer.

Quotes from the participant feedback includ-

# Young Talk Training Goes Online

Kathryn Hilditch and Sarah Welsh

ed:  
 "A brilliant course, I'm looking forward to getting started in school. The offer of continuing support is also hugely appreciated"  
 "The training was very informative and worthwhile"  
 "Fab course and would recommend"  
 "Excellent, it was really supportive"

Delivering Training for Trainers online has certainly been a learning curve, particularly in terms of the technical requirements of delivering online training (Luckily we had fantastic support from our colleague Clare who is fast becoming a Zoom expert!). We do however feel that there are massive benefits from offering an online version and that it maintains the high level of delivery and content that we seek to achieve.

Now that schools have gone back we are also hearing anecdotal evidence that young people are struggling with the changed environment that they are faced with. Social distancing is not a natural fit for many young people and some are having to re-negotiate existing friendships having been away from school for

a long time. This highlights to us a greater need than ever for peer mediation, and we are pleased that we can offer an option for training which is still accessible in the current situation.

Whilst we would love to be able to deliver training face-to-face again at some point in the future, we would like to see our online Training for Trainers continue as we believe it is perhaps a more relevant and sustainable option in the interactive world that we now live in. We are also considering how we can expand our online offering for peer mediation, perhaps something directly for young people, although we are aware of the potential challenges that that might raise. An option we are seriously considering is expansion of our Young Talk App to include training options.....so watch this space!

Our next Online Peer Mediation Training will take place on Tuesday 3rd and Thursday 5th November 2020. If you are interested in attending or discussing anything regarding Young Talk and peer mediation, please contact [admin@scottishmediation.org.uk](mailto:admin@scottishmediation.org.uk)

## Mental Health

### Supporting mental wellbeing while WFH and returning to the workplace

Zoom 27th October, 10am– 11.30am  
[www.buytickets.at/rowanconsultancy](http://www.buytickets.at/rowanconsultancy)

£30 + VAT

Learn about anxiety, depression and loss with Rachel Weiss, counsellor and workplace mediator on the Scottish Mediation Register.

*"Just had the best Mental Health training (and I've had a lot) - so relatable, very human!  
 Rachel was wonderful - so funny and engaging 10/10 "*  
 Ley-Anne Forsyth, Cairn Housing Association

[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

  
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