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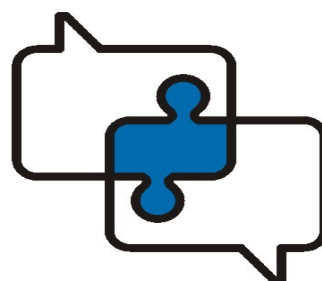
Adverts from:
University of Strathclyde, Scottish Community Mediation Centre, Buon Consultancy, Mediation Partnership, and Rowan Consultancy.



The Time is Now

The scale of the challenge that has been presented by COVID and Brexit has enabled us to demonstrate our capacity for radical change. Conflict is inevitable. Positive outcomes require us to navigate multiple complex relationships helping people find their 'new place.' Now is the time to highlight mediation as being a key opportunity to support this process.

Scottish Mediation have identified some of the ways that we think a mediated approach can help bring about positive benefits for Scotland.



Mediation Supporting Inclusive Government

Mediation holds the key to unlocking the tensions which inhibit the development of people-focussed policies that Scotland needs to rebuild after Covid. We have seen that things can be done differently. The election in May 2021 offers the perfect opportunity for Scotland's leaders and policy makers to see that the next Parliament can make the things that matter actually happen. Mediation has a key role to play to help Scotland constructively embrace the future.

The Time is Now

Graham Boyack

A Way of Government

Mediation processes built into our public sector procedures will enable the people of Scotland to better engage in effective decision making.



By using mediation and a mediating approach changes that might be uncomfortable but which are necessary can be delivered in new ways that are regarded as effective and fair. In doing so we make Scotland's culture one of a confident, resilient society where people and communities have the ability to be part of positive progress. This will be central to the new elected representatives' understanding of what is required by the people who elected them.

Whether by using the skills of mediation or introducing mediators themselves into the debate there are opportunities to better handle areas where sensitivity and listening are key. This can help opposing interests create agreements about how things should proceed. Using these skills demonstrates a different way of doing this kind of cost-effective business.

Using a mediating approach helps to address inequalities and supports a way of doing things where fewer investigations and public enquiries are required for when things go wrong. We know that Denmark and the Netherlands have adopted these mediating approaches with proven success using an everyday application which seeks collaboration over conflict.

At the Centre of Justice

In Canada and India mediation is used in the justice system to allow parties to resolve disputes earlier, allowing people and businesses to move on and not become involved in drawn-out disputes. We believe Scotland has the opportunity to do the same and that there is a great opportunity to take this forward following the Justice Committee Review in 2019 and our report



'Bringing Mediation into the Mainstream'. Our recent experience has shown us that there is a need to offer people opportunities for more flexible, accessible, and affordable ways to resolve disputes.

There are too many people with unresolved issues who consider their only recourse is to accept injustice or go to Court. The current design of our court system means that this is expensive and the system can get clogged up. But that can change. Mediation has been shown to address inequalities, helps level up the playing field, and enabling those who are often under-represented to voice their concerns and opinions. It can create the opportunity for discussion and consensual resolution that allows parties to resolve their differences themselves. The impact of offering mediation would be to increase access to justice.

The Time is Now

Graham Boyack

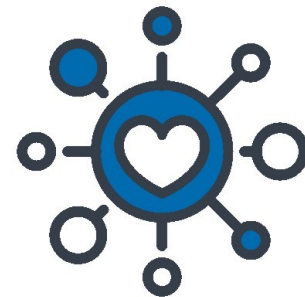
For Our Young People

Peer Mediation is a programme of training pupils in Primary and Secondary Schools to become young mediators. It gives them a sense of responsibility and resilience, and it helps the continuing anti-bullying drive by increasing young people's confidence and competence, tolerance, care, and respect for each other. Our work in Scottish schools has shown that engaging with young people impacts positively on their self-esteem, their contribution in school and adds to their effectiveness in maintaining better relationships at home too. It also lays the foundation for mediation approaches in later life – what better learning for later life could we impart? It's time to scale up this activity and make it available right across Scotland.



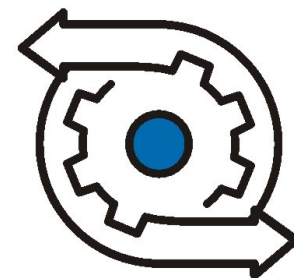
In Our Communities

Covid has shown us that there are many aspects of life in Scotland where communities are making positive contributions to their areas and determining their own priorities. So when disagreements arise locally within communities it is important that people have support to help them through conflict. We know that at a neighbour level the better resolution of disagreements can make a real and positive difference to everyday life. In order to get support to people we need to make resources available to local communities. How we take decisions to mitigate the impacts of climate change will also have massive impacts for communities across Scotland. Mediation can help in what may be contentious discussions by providing a creative space that allows for locally created solutions.



Helping Business

Across business there is a frustration that unresolved conflict can hamper the receipt of payment, damage relationships with suppliers and customers and within workforces the continuance of toxic relationships can do nothing but harm. All of this when businesses want to direct their energies towards recovery from Covid and growing their enterprises. The business community's priority is to have any disputes resolved in the simplest and most efficient way possible and, therefore, the creation of flexible options and processes are most important. Mediation can truly play its part in providing a solution by giving parties the opportunity to find creative and, importantly, often more constructive resolutions.

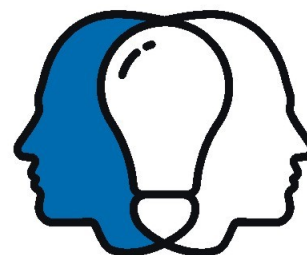


The Time is Now

Graham Boyack

Joining Things Up

Scottish Government has, to its credit, developed positive uses of mediation in a number of areas. We in Scottish Mediation can provide further strategic oversight and help to enable learning about its benefits to be shared across government. A key improvement would be to broaden cross-departmental working, joined-up thinking and collaborative action, across government. Such an approach would need leadership and perhaps ministerial responsibility. We would advocate for "mediation leads" in every Department to enable the sharing of good practice across government. A way of demonstrating support for that approach would be for the Scottish Government to sign up to the Scottish Mediation Charter and for the Government to bring forward a Mediation Act in the next parliament.



Support our drive towards making Scotland more agile in responding to its citizens' disputes at their earliest opportunities in an effective, cost effective and informal way.

We would be happy to engage in discussion about how we might assist any interested party in influencing the changes that we see as being a key part of Scotland's 21st Century. Contact us at graham.boyack@scottishmediation.org.uk



THE MEDIATION PARTNERSHIP



Online SM Accredited Mediator Training

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

N.B. This course will be delivered via Zoom over eight morning sessions with an additional half day assessment

**Dates: Thurs 29th & Fri 30th April, Thurs 6th, Fri 7th, Thurs 13th,
Fri 14th, Thurs 20th & Fri 21st May 2021
(Assessment Thurs 27th May 2021)**

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

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

Reflections on 2020

Rosanne Cubitt

It goes without saying that 2020 did not turn out as we had envisaged. The Covid pandemic hit us in March and the mediation world, as others, scrambled to respond to a 'work at home' directive. Relationships Scotland had signed up to the Scottish Mediation Charter and planned to partner with Scottish Mediation to raise awareness of and promote the benefits of mediation throughout their Year of Mediation initiative. Reflecting on the year that was 2020 we can report significant developments in embracing online technology for the delivery of mediation and training of mediators – even if it wasn't quite what we had planned!

safety planning. The second event on 'Meeting with Children' offered additional tools and approaches for the work of our child consultant mediators to hear from children about their experience of their parents splitting up. Hearing the voice of the child and ensuring this is shared with parents in their decision making about future arrangements is a key policy objective within the Children (Scotland) Act 2020 and an area of our work that we hope to develop further.



The year started on a high in January with two professional development masterclass events for our family mediators, delivered in person by two speakers from the International Centre for Children and Family Law - Jon Graham from Australia and Lorri Yassenik from Canada (<https://iccfl.training/>). The first of these on Domestic Abuse Risk Assessment and Risk Responses was designed specifically for mediators working in the context of separation and divorce and further enhanced our understanding of risk screening and

In late March and throughout April our focus rapidly changed to equipping our practitioners to be able to deliver services online. We developed guidelines and service delivery procedures for offering mediation, primarily using the Zoom platform. We learnt from the experiences of other jurisdictions, and sectors, and a few of our Member Services who have been offering remote mediate in disparate rural communities for some time. We are delighted that our family mediation service can now be provided across Scotland by video conference. Our learning has equipped us to be able to continue to offer this option for parents going forward, even after the return to in person delivery is allowed and safe.

Our next challenge was to move our training delivery online, for our core practitioner training courses and our professional development events. Again the Zoom platform has served us well with the option for break out rooms. We

Reflections on 2020

Rosanne Cubitt

have developed creative ways to engage learners and facilitate interactive learning, recognising the strain that too much screen time can cause, and responding to the challenges that Covid and the restrictions were bringing to people's lives.

Forgiveness – the Art of Letting Go was a joint online professional development event with our colleagues at Scottish Mediation and Place for Hope in September (via Zoom). Eileen Barker (<https://thepathofforgiveness.com/>) facilitated our training from California and we reflected on how to choose to let go of hurts and grievances for the benefit of our own health and well-being. There were significant insights from working with

mediators from other sectors and plans for future collaborations.

The highlight of our training year was an inspiring online event led by Ken Cloke, mediator guru from the other side of the pond - The Crossroads of Conflict: A Journey into Dispute Resolution (<https://www.kencloke.com/>). We could have listened to Ken for hours! It seems fitting to end this reflection on a quote from Ken: 'Every conflict teaches us what we most need to learn. Use mediation to better understand, transform and transcend dysfunctionality.' 2020 may not have gone to plan but we were still able to make it a significant year for mediation at Relationships Scotland!

Topics Covered

- The win-win concept explored
- Stages of negotiation
- The Coleman Raider "bare-bones" model
- Create the ideal Best Alternative to a Negotiated Agreement (BATNA)
- WATNA & MLATNA
- Using Chips & Chops
- Exploring competition and cooperation
- Reframing techniques
- Negotiation tactics & responses
- Cultural differences that impact negotiation outcomes



This CPD Course will be conducted over two 3-hour sessions on Zoom. It will explore how negotiation can assist mediators to facilitate agreement between mediating parties.

The course will be led by Tony Buon a very experienced Scottish Mediation & CMC Registered Civil and Workplace Mediator, Trainer and, Author.

This course will be conducted over two mornings 9:30-12:30 GMT. There is 2-hours of optional homework between the two sessions, for 8-hours CPD.

The total cost is £45 including VAT. You will receive Handouts, PPT Slides and a Certificate. Book now or call to reserve your place.

https://negotiation_cpd.eventbrite.com

Buon Consultancy 101 Rose St Edinburgh EH2 3JG Ph: 07762709377

www.buon.net

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solving problems

Scottish Mediation News

Welcome to Scottish Mediation

Scottish Mediation are delighted to welcome Emma Anstead, Jo McLennan, Kimberley Spiers, Chris Whitehead, and Georgette Herd who join as new individual members.

Shona Crallan, Len Bunton, Sandy Wilson, Kathleen Bolt, Margaret Stewart and Nicola Tully join as practitioner 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](#).

New Practice Standards for Mediators

From 1 April 2021 new practice standards for mediators come into effect.

The biggest change is that all mediators will be required to submit annual records of mediations and mediation hours alongside their training and development Records.

In addition to encourage the uptake of more reflective practice activities a new points systems that is weighted towards such activities has been introduced.

The final big change is that the achievement of mediation hours and mediations will now be on a rolling two year basis which will allow more flexibility in achieving the targets set.

Two events have been held to outline the changes with another for those looking to become a registered mediator set for 1st April 2021. A review of the operation of the new standards will take place in May 2022.

Online Mediation Skills Course

19, 20, 27 May, 1, 2, 9, 10 June 2021

Designed for people who will be using mediation skills in their work, this course is accredited by the Scottish Credit and Qualifications Framework at level 6.

Using Zoom as the online platform, this course consists of 9 modules.

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 course is assessed based on activities from day five onwards, culminating in a full role-play of a mediation meeting on the last day of the course.

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.



SCOTTISH COMMUNITY
MEDIATION CENTRE

Mediation and Access

May Millward

With the possibility that Covid 19 restrictions may start to loosen in late spring or early summer many of us will be looking forward to getting into the great outdoors and enjoying the many outdoor activities that Scotland offers. However this may raise the possibility of clashes of interests between different activities and perhaps with land owners. It is great timing therefore for the introduction of a new guidance note on how mediation can help with some of these issues.

The right of access to most land and inland water in Scotland was created by Part 1 of the Land Reform (Scotland) Act 2003, as amended (the 2003 Act). The Scottish Outdoor Access Code (SOAC) sets out guidance on the responsibilities of both access takers and the owners/managers of land over which there is public access. While these access rights have brought significant public benefits and are generally working well on the ground, there have inevitably been some local disputes and points of tension. Most of these problems have been successfully addressed through discussion, which has often been facilitated by Access Officers employed by access authorities (i.e. local authorities and National Park Authorities) and by Local Access Forums (LAFs). However, a number of cases have gone to court – an expensive and time-consuming business for all concerned.

The new Guidance Note on the use of Mediation for Access has been developed by the National Access Forum (NAF) with the support of Scottish Mediation and is intended to help access authorities, LAFs, land owners/managers and access takers. Access Officers and LAFs remain the 'first port of call' for dealing with difficult access cases but where issues are not resolved by them they can now turn to mediation as a useful tool to help move matters forward.

While there is a financial cost to

undertaking mediation it is likely to be much cheaper than going to court to resolve the issue. Mediation can also save access authorities the staff time and costs involved in handling long-running disputes, including time spent on correspondence and meetings, and it may save other costs such as the investigation of solutions through seeking Counsel's opinion.

Even if the mediation process is ultimately unsuccessful, for example if the parties refuse to engage properly or have intransigent or unreasonable views, then it is likely that the process will have narrowed down the key issues which could enable any subsequent court case to be more focussed in its scope and so potentially save money for the parties.



Another potential benefit from mediation is that simply providing the opportunity for parties to give their side of the issue can help to get movement and improve relationships on all sides by building understanding of each other's interests. Having been involved in the development of the guidance note Scottish Mediation look forward to supporting Access Officers and LAFs in understanding the benefits of mediation and how it can help with their more difficult cases.

You can read the Guidance note here - <https://www.outdooraccess-scotland.scot/guidance-note-use-mediation-access>

Mediation Bits and Pieces

Learning by Doing

The UK's first mediation clinic conference, Learning by Doing, was hosted by Strathclyde's own clinic on Saturday 6th February.

120 people attended the online event, with log-ins from India, Lebanon, Kenya, Georgia and Ireland. Keynote speakers were [Carrie Menkel-Meadow](#), one of the founders of the mediation field, and [Charlie Irvine](#), Director of Strathclyde Mediation Clinic.

Prof Menkel-Meadow's highly personal address described how her experience as a legal aid litigator provided the motivation for starting one of the USA's first mediation clinics (at UCLA in the 1980s). She also made the surprising disclosure that a Californian mediator suggested Zoom's classic breakout rooms feature.

Charlie explained that the clinical education of mediators found a natural home at the Place of Useful Learning, tapping into a long tradition of bringing the academy into society and society into the academy – 'pracademia.' Another highlight was an interview with Margaret Mitchell MSP, former convener of the Scottish Parliament's Justice Committee, about her proposed Mediation (Scotland) Bill. The conference made the most of Zoom technology, using breakout rooms to emulate the networking and chat of face-to-face conferences. Workshops were led by leading researchers, clinic founders, a referring sheriff and mediation practitioners. Feedback has been highly positive and confirms

Strathclyde's position as a leader in the field of conflict resolution.

Head of School, Prof Claire McDiarmid, added: *The Mediation Clinic at Strathclyde goes from strength to strength and this conference highlights the seamless way in which it merges theoretical approaches with the intensely practical resolution of real-life disputes. Professor Menkel-Meadow is pre-eminent in the area and we are*



Photo by Chris Montgomery <https://unsplash.com/@cwmonty>

delighted that she was able to deliver a keynote address here.

Recordings of the sessions are available from: <https://www.strath.ac.uk/humanities/lawschool/newsevents/ukmediationclinicconference/>

If you are a registered mediator and would like to volunteer for the clinic please contact: mediationclinic@strath.ac.uk - as a result of the pandemic and the growth in online mediation geography is much less of a barrier.



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.

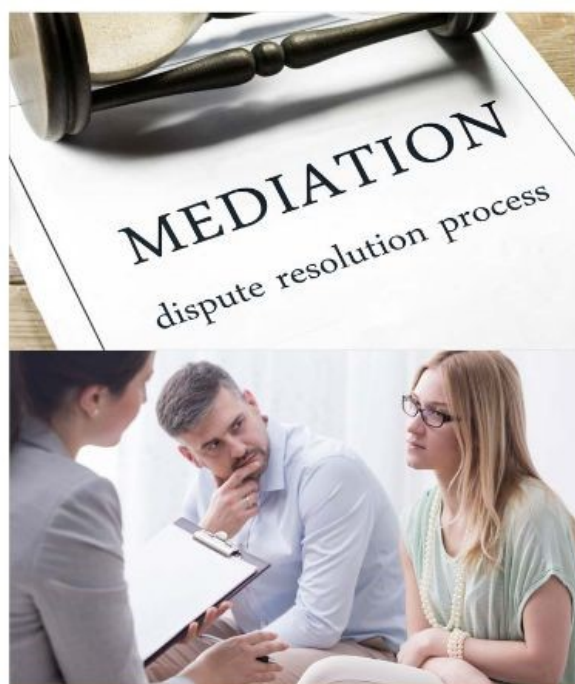
Legal training is not a pre-requisite; the MSc/LLM option means students from a wide range of disciplines can tailor the course to their needs.

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
t: 0141 444 8600

Scottish Mediation Events

Developing your cross-cultural skills as a Mediator

Wednesday 21 April 2021
9.30am-12.30pm

Course Aim: To help you develop your Cultural Intelligence (CI) as a Mediator

This online course will introduce participants to the impact of culture on mediation. It will explore how a good understanding of cultural factors can assist mediators to facilitate agreement between mediating parties.

The course will be led by Tony Buon, a very experienced Registered Civil, Commercial & Workplace Mediator. Tony has extensive global experience and regularly teaches courses on Cultural Intelligence (CI) and has trained over 3000 mediators

worldwide since 1985. For more information and to book a place click [here](#).

Peer Mediation Training

Tuesday 23rd March (10am - 12noon)
and Thursday 25th March 2021 (10am - 12noon)

OR

Tuesday 11th May (10am-12noon) and
Thursday 13th May 2021 (10am-12noon)

This online skills development course taking place over two sessions (2 hours each session) will enable participants to deliver peer mediation training to children and young people aged 10 to 18 years. It will provide tools and techniques that will equip participants to feel confident in training and supporting young people as peer mediators. For more information and to book click [here](#).

Resolve conflicts at an early stage

Mediation Skills

Perth 28th and 29th September 2021 £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
rowan@rowan-consultancy.co.uk
01738 562 005



Workplace Employment Initiative Group

March 2021

Dear Scottish Mediation colleague

Our next ,meeting takes place on Tuesday 31 March 2021 at 2pm. Our speaker will be Rhona Wilson, a community mediator at Glasgow City Council, on

“Working with high conflict – what can workplace mediators learn from in depth preparation and managing resistance and trust in community disputes and mediations?”

All meetings are open to Scottish Mediation members and provide an opportunity for mediators involved and/or interested in workplace mediation to come together to network and share experiences.

This meeting will take place online and to receive a link for the meeting 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