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



ONLINE | 15-16 NOVEMBER

This year's theme comes from one of speakers Anna Howard and her book on mediation *EU Cross-Border Commercial Mediation: Listening to Disputants - Changing the Frame; Framing the Changes*. Rather than view mediation as an alternative to litigation she argues that we should promote it as a continuation and assistance to negotiation. She'll be joined by Liz Stokoe from Loughborough University and David Liddell author of *Managing Conflict*.

The conference will have a series of workshops, plenaries and Q and A sessions. We hope to tackle subjects from what we've learned about mediating online, skills for life for young people, diversity, promoting your practice online, peacebuilding and more.

This year's Mediate conference continues online over two half days. Part of the feedback from last year was that people enjoyed the half day format, so it's staying.

We'll be launching full details soon along with ticket prices and links to Eventbrite.

It's taking place on 15th and 16th November 2021 - Save the dates.

The Cost of Workplace Conflict

Graham Boyack

In May ACAS launched a report on the costs of workplace conflict in the UK. The figures were quite shocking, the headline being that workplace conflict costs the UK £28.5 billion per year or £1000 per employee.

Beyond the money headlines it is important to understand that the impact is not just financial with employees more likely to experience stress, anxiety and depression as a result. When we're talking about 10 million people, that has an impact on society as a whole.

Drilling down into the findings one of the highest costs relates to the costs around dismissal, which often comes after a period of extended sickness.

And all of this was surveyed before we had experienced Covid 19 and its impacts. You'd think that with the above information the report was depressing and simply a bearer of well researched bad news. To their credit, however, ACAS have focussed on what

organisations can do to change the narrative and make things better in organisations when conflict arises.

There are three primary areas where organisations can reduce their cost of conflict. The first is to invest in early resolution. The second is to act early to repair relationships and on poor performance. The third is to rebalance their current reliance on formal procedures including courts and tribunals.

For Scottish Mediation, the report relates

well to the experience of mediators working with organisations across Scotland. One of mediators' biggest frustrations is being brought in at a point where people have been in formal processes for months and have still not had an open and honest conversation on what the conflict is about and how it might be resolved. That's why investment in early resolution is so important. Being able to have an early conversation can often allow for a better understanding of the underlying issues which are driving a dispute but aren't



Photo by [jean wimmerlin](#) on [Unsplash](#)

always on the surface. In such a mediated conversation space is created to allow reflection on what might happen next and the options that could be available for resolution. To support early resolution organisations can adopt mediation as part of their procedures and support that through either in-house mediators or external support.

Acting early to repair relationships and on poor performance is easier to do if it part of an organisations' procedures but, critically, is better supported if the people leading those conversations are

The Cost of Workplace Conflict

Graham Boyack

properly skilled in doing so. Those could be coaching skills, mediation skills or any skills using similar approaches. Scottish Mediation deliver mediation skills seminars and when explained, people pick them up very quickly and often reflect that they wish they'd had them sooner.

The fact that many disputes reaching employment tribunals and courts resolve in mediation suggests to me that not only is mediation effective, but also that its use earlier in disputes would be beneficial. I think one of the key barriers to doing so is the over-reliance on the formal court and tribunal processes outlined in the report. The difficulty with resolution at such a late stage is that it is also likely to mean people leaving their organisation and the loss of experience and knowledge in addition to the costs of

getting there.

Looking to the future I take heart from ACAS's Chief Executive Susan Clews three key messages in her foreword to the report. They were to invest in conflict competence, that the time to intervene is before official procedures kick in and that not all conflict is bad - that handled well it can be a positive creative force for organisational change.

Scottish Mediation has organised a Mediation Charter that supports what the ACAS report is calling for. If you'd like to sign up or get more information it's on our website www.scottishmediation.org.uk.



Core's Flagship Mediation Course:

Using Mediation Skills as Leaders and Professionals

Residential Summer School

Sunday 29 August, 16.00 – Wednesday 1 September, 17.00, 2021 (CPD: 30hrs +)

at the excellent Carberry Tower, Musselburgh

"The best and most valuable training I have ever done"

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

www.core-solutions.com

Better Conversations, Better Outcomes

Strathclyde Housing Mediation Project

Charlie Irvine

Disputes between landlords and tenants in the private rented sector are always challenging; during a pandemic they are especially fraught. Economic insecurity and heightened anxiety mean disagreements can escalate into major disputes. With Scotland now in restriction level 2 or lower, evictions can be enforced across the country.

In February this year, Strathclyde Mediation Clinic relaunched its Housing Mediation Project, funded by Safe Deposits Scotland Charitable Trust. We

focus on early intervention and our free, confidential mediation service is available to mainly private rented sector landlords, tenants and agents across Scotland.

about any given situation and to signpost other services where appropriate. As practitioners we know mediation makes sense for housing matters. As well as being cost-effective, efficient and pragmatic, it is less damaging to relationships than formal action between a landlord and tenant. The voluntary, consensual approach means agreements are more likely to be fulfilled, reducing the risk of eviction.

For an ongoing tenancy this creates a safe space for tenant and landlord to begin to rebuild a working relationship whilst also resolving the matter at hand. Our recent webinar showcasing a "Mock Housing Mediation" saw many participants join us from the Scottish Housing Sector, Landlord Services, Local Government and Advice Services. We hope this will lead to a better understanding across the sector of how mediation can help in a variety of situations.



Photo by [Thomas Fryatt](#) on [Unsplash](#)

The types of issues that can be addressed through our Housing Mediation Project include issues between tenants and landlords, repairs, billing, communication, rent re-payments and factoring. We do not offer community mediation and therefore are unable to accommodate tenant neighbour disputes. Our team is happy to answer enquiries

If you are interested in finding out more about the [University of Strathclyde Mediation Clinic Housing Project](#), or wish to volunteer as a mediator, contact us directly to arrange a chat with Pauline McKay, Housing Mediation Project Development Worker:
e: pauline.mckay@strath.ac.uk,
t: 0141 548 4510
We particularly welcome those with a background in housing.

Online Here to Stay

John Sturrock

Since the pandemic began, Core has conducted nearly all of its many mediations since March 2020 using the online platform Zoom (with the very rare alternative of the less satisfactory Teams). With changes in social distancing, vaccinations for all and more movement likely in the coming months, will mediators return to the ways of the past? With COP26 coming up in Glasgow, should we return to those ways? We think not. As mediators, we think we have a responsibility to do things differently. So, here is our new policy for mediations using Zoom going forward. What do others think?



“Core has conducted all of its many mediations since March 2020 using the online platform Zoom. This has been a remarkably effective means to carry out mediation. Clients and their advisers have, generally, been very comfortable with how this has worked and many satisfactory outcomes have been achieved. People have participated in a variety of ways, from home, from the office, singly or in groups, according to their own individual and collective needs at the time. It has worked particularly well when people are in different locations and do not wish to, or cannot, travel.

At the same time, Core has signed up to

the Mediators’ [Green Pledge](#), with a commitment to minimising the environmental impact of each mediation in which we are involved in the ways outlined in the Pledge, including avoiding unnecessary travel and using electronic technology wherever possible. We are also committed to encouraging those with whom we mediate similarly to minimise their carbon emissions. This means that we

will seek to reduce, as much as possible, travelling associated with mediations and use of resource-intensive hotel and office accommodation.

The combination of these two factors means that, from now on, Core will offer to conduct mediations primarily online. If the particular circumstances of a matter suggest that the physical presence of the mediator is necessary (for example, where there is emphasis on a personal relationship between parties), we shall of course consider this with clients and their advisers. We are always willing to discuss all aspects of this policy with you.”

Mediation Book Review

Patrick Scott– Isle of Arran

Mediation and Dispute Resolution Contemporary Issues and Developments by Tony Whatling¹

What is the importance of apology in mediation? How does a mediator deal with cultural and gender differences between the parties? What difficulties do new mediators experience when making the transition from another profession, such as that of lawyer or social worker? These are some of the topics explored by Tony Whatling in this refreshing new look at some hitherto lesser explored aspects of mediation strategies.

In the first chapter, the author explores the rarely discussed difficulties of the transition from one profession to that of a mediator, acknowledging that few mediators approach training as a first career choice. Lawyers, for example, often like to ask questions to which they know the answer, particularly in cross-examination. Mediators use

open-ended questions to obtain as much information as possible, to try and get to the underlying issues. He highlights the importance of active listening, as opposed to falling into the trap of taking copious notes at the expense of building

¹Tony has over 30 years' experience as a family mediator, consultant and trainer, with a professional practice background in Social Work in Child Care, Adult Mental Health, Family Therapy, Area Team Management and Social Work Education. His first book, *Mediation Skills and Strategies: A Practical Guide* was published in 2012.

rapport with the parties.

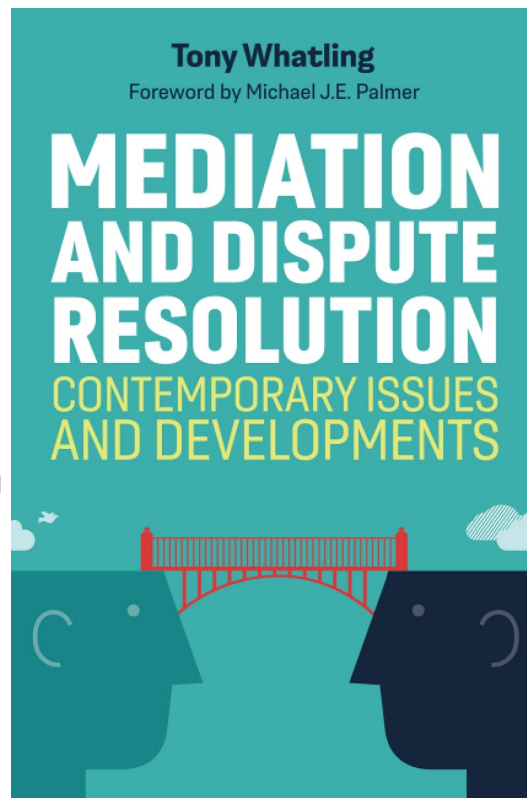
Emotion, and its impact on the mediation (both positive and negative) features prominently in this work, and the author encourages mediators to become comfortable with managing the "raw emotion, rage, distress, despair and deep hurt" experienced by some parties. He questions the approach adopted by some practitioners who invite parties to exclude fault and blame from the discussion, pointing out that unresolved

emotion frequently inhibits the mediation process. High conflict matters also enjoy separate discussion, including aspects such as the triadic influence of individual conflict ideologies, absorbed cultural ideologies and the mediator's professional conflict ideologies, and the effect of technology and social media in enhancing distressing and hostile communication.

Combining theory with a number of case studies, the author provides an insight into co-mediation, detailing not only its benefits but also providing useful guidelines in how to

manage a mediation between co-mediators and the recommendation to consider having a male and female co-mediator, to create a gender balance in appropriate circumstances. The contentious practice of shuttle mediation is broached tentatively, with the caveat that it is significantly less successful than joint meetings and is no substitute for face-to-face mediation.

Tips on how to manage the process for



Mediation Book Review

Patrick Scott – Isle of Arran

shuttle mediation are provided, as well as for the sometimes overlooked practice of involving significant others in a mediation. The advantages and disadvantages of this involvement are discussed, with a view to maximising the benefit of this form of intervention and highlighting the fact that there needs to be a clear justification for involving other people in the process, with that person being able to play a positive role in the meetings. A catchy title to one of the sections is "The Greek chorus and family ghosts", which touches on the influence of partisan family groups that sometimes metaphorically stand behind the parties and who "'fan the flames' and help each party to embroider their idiosyncratic narrative of the history of the dispute".

A chapter is devoted to the important concept of mediation practice supervision, highlighting the benefits of reflective practice and acknowledging that mediation is a 'publicly accountable activity', requiring supervision. Many

practical guidelines are discussed, from where the supervisor should sit in the room to how he or she should assess the performance of the mediator.

Cultural differences, and their potential impact on the outcome of a mediation, are dealt with in some detail. In suggesting how cultural differences should be approached, the author refers to what he calls the "holy trinity" – attitude, knowledge and skills on the part of the mediator. In referring to one of his case studies involving a mediation between a Japanese man and an African woman, he notes that the man had difficulty in exposing himself to intimate conversation and was non-verbally expressionless, whilst the woman was very extroverted, verbally and non-verbally expressive and frequently used a raised voice. The mediation failed and, on reflection, the author believes that it would have been better to use shuttle mediation in that instance, to cater for the cultural differences. He



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

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**Dates: Thurs 4th, Fri 5th, Thurs 11th, Fri 12th, Thurs 18th,
Fri 19th, Weds 24th & Thurs 25th November 2021
(Assessment Fri 26th November 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



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.



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Contact
 e: hass-pgt-enquiries@strath.ac.uk
 t: 0141 444 8600

Mediation Book Review

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goes on to consider what sort of questions one might ask in dealing with cultural differences sensitively, combining theory with practice.

Developing the concept of not one size fits all, the author proceeds to discuss gender differences and their influence on the manner in which the mediation is conducted. He warns against stereotyping, distinguishing between generalisations and stereotyping, preferring the former to the latter, as it acknowledges exceptions to the rule.

Apology and reconciliation enjoy extensive discussion, again topics that are often lacking or dealt with fleetingly in works on mediation. The author explores both concepts in terms of their potential place in alternative dispute resolution and mediation. An apology, to have any positive effect, must be "without defence" and unconditional. To say "I am sorry that I offended you, but

I think that you over-reacted" will do more harm than good. Mediator strategies are covered, providing guidance to mediators in how to assist parties struggling to make an apology, whilst maintaining impartiality and neutrality. A list of model questions that mediators might use to enquire into the potential for emotional discourse and apology is provided, again combining theory and practice. Some useful case studies provide practical examples, including an interesting study of apology by proxy.

No current work on mediation would be complete without a consideration of the effect of the pandemic on the mediation process. In this regard, questions regarding how behaviour will change in the face of the coronavirus pandemic and the extent to which it may have a positive or negative impact on dispute resolution are discussed, with the warning that the pandemic could

Online Mediation Skills Course

2, 3, 10, 16, 17, 21, 22 September 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 Book Review

Patrick Scott – Isle of Arran

escalate future conflict.

This book is a highly recommended new addition to any mediator's library and provides several new tools for mediators to add to their toolbox. It covers several topics that seldom enjoy much prominence and the work is a delicate balance between theory and practice, containing a number of case studies which provide practical examples to support the theory. Although most of the case studies relate to family mediation, the principles are universally applicable and this book will be useful to any mediator, regardless of your area of expertise.

This book is available on Amazon in a kindle and paperback version, as well as from the publisher, Jessica Kingsley

Publishers, at

[Mediation and Dispute Resolution – Jessica Kingsley Publishers - UK \(jpk.com\)](http://www.jkp.com)

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

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01738 562 005



Scottish Mediation News

Welcome to Scottish Mediation

Scottish Mediation are delighted to welcome Youssef Azeez who joins as a practitioner member.

Relationships Scotland Shetland 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](#).

Reflective Practice

Scottish Mediation were delighted to welcome 60 people to it's seminar on Reflective practice late last month.

Supporting the change to Practice Standards for Mediators in Scotland the event heard from a range of speakers who had either experience of designing reflective practice models or simply used them in their day to day mediation practice.

Scottish Mediation will seek to support peer groups setting up and have a register of supervisors available via our website. We also hope to host more events on this topic.



ONLINE | 15-16 NOVEMBER

Workplace Employment Initiative Group

July 2021

Dear Scottish Mediation colleague

Our next ,meeting takes in the autumn date tbc. (Please look out on the Scottish Mediation website for details)

Our meeting will feature a discussion around justice. We'll look at concepts such as fairness and equity and process and what this means for workplace mediators.

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