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Welcome to 2022

We've a great variety of articles in this Collaborate which reflects growing discussions about the use of mediation across Scotland.

Some articles such as David and Laura's piece on Lawyers and mediation might seem pessimistic however when you read more closely what's encouraging is that they pinpoint some of the ways we need to promote mediation to enable its wider use.

We're delighted we are able to give space to reflect on COP 26 and the impact of mediation on the ground in Glasgow. It won't be the last of those reflections as COP 26 demonstrated that there is a positive potential in using approaches from COP26 in other areas.

An event to be looked forward to is the Mediation Clinic conference at the University of Strathclyde in February. It's a great line up speakers and an opportunity to connect with many other interested in mediation.

John Sturrock's reflections on holding on or letting go pose some great questions which both go beyond mediation and come back into day to day practice with parties.

Finally we look at community mediation taking forward some of the discussions started at Mediate 2021. It's an area in Scotland that has been squeezed by funding constraints but one which has the potential to make a significant impact on day to day lives. The pressures of living have been heightened by Covid and how we can help people to live better together is a major challenge for Scotland.

Why Lawyers Don't Use Mediation

David Hossack and Laura McKenna

In our quest to encourage the use of mediation among lawyers, in the course of 2021 fellow mediator David Hossack and I have provided training for lawyers and produced a series of podcasts on how to best represent clients at mediation. Amidst this, we wanted to understand more about the use of mediation by lawyers in Scotland, so we created an online survey accessible through our website and LinkedIn.

The overwhelming majority (90%) of our lawyer respondents felt that they had a good understanding of what is involved in mediation. Just over half had received training in representing clients at mediation and almost a third were trained as a mediator. Three quarters of respondents felt confident that they had the skills required to represent clients at mediation.

In terms of the use of mediation, whilst almost half had represented clients at mediation within the last 5 years, 39% had not represented clients at mediation within the last 5 years.

Rather discouragingly, only 16% said that they would suggest mediation to clients in most of their cases and 13% said they would never suggest it.

Interestingly, three quarters of respondents were open to using remote mediation. Those who answered "no" to using remote mediation listed their main concerns and it is perhaps not surprising to hear that these were mostly regarding the lack of in-person interaction and the perception that this means that body language / cues are missed. One respondent was of the view that mediation needs direct contact for success.

Our hypothesis before doing the survey was that there existed a general aversion to mediation among some lawyers and, as well as the results, this was perhaps highlighted by the relatively low level of engagement in our

survey. Whilst we can't therefore attach any significant findings to the statistics gleaned, we have been able to consider and assess the many intriguing comments that were provided, including



Photo by [Melinda Gimpel](#) on [Unsplash](#)

"would not use mediation ever" in order to pose the question - why are some lawyers reluctant to use mediation?

To answer this question, the answers provided to our final question: "what factors might discourage you from suggesting mediation to clients?" were useful. The obvious factors were fairly popular - 31% said cost, 27% thought their clients might not be interested, 15% said they didn't have enough information about mediation and 15% thought it might appear a sign of weakness.

Additional factors listed by respondents included:

Reluctance to add further costs to the dispute;

Mediation being an unnecessary cost when lawyers should be more than capable to resolve;

Irrational opposing party / other side are wrong;

Other side would not be interested;

Why Lawyers Don't Use Mediation

David Hossack and Laura McKenna

Too late - not an option or necessary at the stage I'm instructed / all issues have already been discussed at grievance / earlier stage / already been negotiating at length;

Too early - parties not ready to mediate; and

Depends on client / personalities involved.

One of the common themes which cropped up amongst these comments was that lawyers were capable and qualified to resolve matters themselves and there was no need to involve a third party.

In her research into EU Cross-Border Commercial Mediation <https://lrus.wolterskluwer.com/store/product/eu-cross-border-commercial-mediation-listening-to-disputants-changing-the-frame-framing-the-changes/>

Anna Howard looks at the wider issue of the European Union's efforts to encourage the use of cross-border mediation. As part of her research, Anna engaged with in-house Counsel to try to find out what barriers to mediation might be at play. Anna refers to the close association between negotiation and mediation and that this can lead to obstacles, such as a referral to mediation appearing to indicate a sense of failure to some legal professionals who had already been involved in the dispute / negotiation. Whilst this was a far more sophisticated study than our modest survey, and Anna goes into fascinating detail on these and related issues in her book, a general feeling amongst some lawyers - that they were

capable of negotiating and resolving the issues themselves and therefore mediation was unnecessary - seemed to be reflected in our findings.

From our findings it would appear that, as a whole profession, we are not as good as we could be at promoting the use of mediation to our clients. At best, this is due to a lack of awareness or a misconception that our



Photo by [Tim Gouw](#) on [Unsplash](#)

clients/opponents might be averse to the idea. At worst, it is due to our own fear or feelings of failure or inadequacy. And we must always bear in mind that The Law Society of Scotland guidance (B1.9) sets out that "Solicitors should have a sufficient understanding of commonly available alternative dispute resolution options to allow proper consideration and communication of options to a client in considering the client's interests and objectives."

What can be done about this?

Speaking at the recent Mediate Conference organised by Scottish Mediation, Anna Howard provided further

Why Lawyers Don't Use Mediation

David Hossack and Laura McKenna

insight on the themes from her research and touched on the need to convey the value of mediation instead of giving it labels such as "alternative". These labels can be problematic because they focus on what mediation avoids or prevents and so tend to have negative overtones.

Admittedly I had not given this much thought before, but having reflected on it and reviewing our survey comments I think that I, like many other litigators

explained by Anna Howard, "quicker and cheaper" does not accurately reflect the value of mediation.

This is concerning because lawyers are very often gatekeepers. Clients rely on lawyers to provide them with expert advice on how to navigate a dispute. They need to know that they are not stuck in a rut with one exit. They need to know that there are other routes which could afford them the power to drive the dispute in the direction they wish.

How can lawyers do better?

In my view, given our survey findings, the first and essential step is to ensure that clients know that mediation is there. Setting aside the fact that it is a breach of lawyers' professional obligations not to provide advice about options available, clients need to be advised about mediation because it could be an excellent fit for them.

may be guilty of leaning on the negative when assessing what and how to advise our clients about their options in a dispute. If mediation is even raised, I suspect that most lawyers tell clients what mediation avoids (court, costs, time) instead of describing what mediation can bring to the dispute. We do tend to look at mediation as being an "alternative"; a cheaper, quicker substitute to the Court or Tribunal processes. Of course, that can often be true, but the danger with that approach is that clients (who are depending on us for guidance) don't really get a chance to see exactly what mediation could offer them. They are not being given advice about how mediation can help their situation as a whole because, as

In addition to that though, clients need to know that mediation can and should sit alongside everything else to empower them to take responsibility for the dispute and the outcome. The legal adviser that can be trusted to walk them through that process and put their client's interests above all else will be the ones who gets the best results.



Photo by [Tingey Injury Law Firm](#) on [Unsplash](#)

'Keeping Our Cool' initiative

Abdul Rahim

Civic mediation and dialogue at COP26 Glasgow 2021

'Keeping Our Cool' was a unique initiative developed to offer mediation support during COP26 with a team of experienced, independent mediators making themselves available to help all

advance of COP26, others taking part in a remote support team which ran on every day across COP26, and most committing to be present in Glasgow for at least one or two days of COP26. Many team members made a bigger commitment and were present for four to five days, and several lead practitioners worked on nearly all the days of COP26 across two weeks.

On each of the days of COP26, 'Keeping Our Cool' team members talked to scores of campaigners and activists, police officers, and to many other people. With their branded uniforms, team members were a visible presence at nearly all the demonstrations, protests, campaign initiatives and marches which took place in the streets across 31 October to 13 November, providing a calming presence and a point of contact available for everyone who was present.

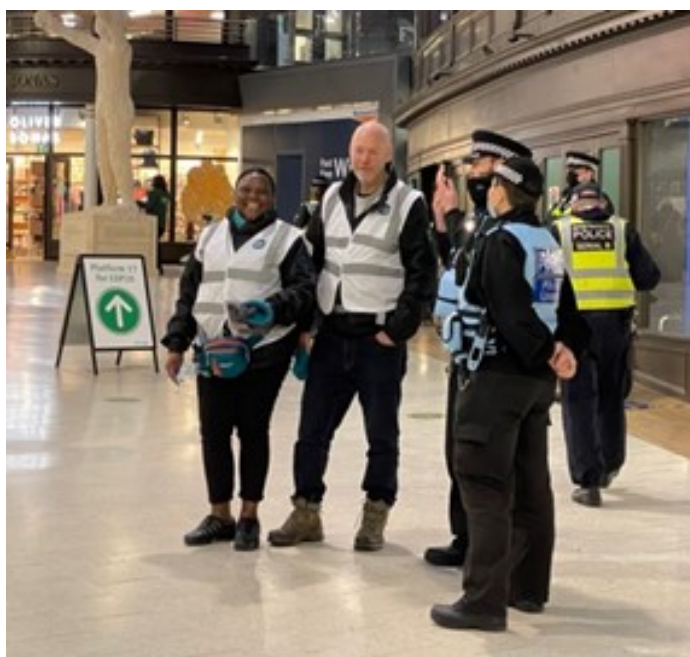
Team members worked on a wide range



those involved at COP26 to:

- Support constructive communication, contact and interaction
- Contribute to a successful and peaceful event
- Help people be heard, address contentious issues, disagreements, and tensions through dialogue

Commissioned and funded by the Scottish Government, the initiative was organised and led by the Centre for Good Relations, working in partnership with Scottish Mediation and Place for Hope. The three organisations recruited team members and volunteers from their various networks and in total, nearly fifty individuals were involved, with some providing one-off training inputs in



of issues every day, including: Talking through issues to do with COP26 (policing of protests, issues to do with access to events, concerns about climate

'Keeping Our Cool' initiative

Abdul Rahim

testors and marchers (often from Extinction Rebellion) and the Police, sometimes in fraught situations, e.g., where unauthorised demonstrations were taking place, thus reducing the possibility of situations developing in ways which neither police nor protestors had planned or expected

The initiative was considered to have been a success and was formally mentioned in the Scottish Parliament in response to a question on supporting peaceful relations at COP26:

Q: What actions have the Scottish Government and delivery partners taken to support peaceful relations at COP26?

Keith Brown MSP Cabinet Secretary for Justice
We fully recognise that there should be clear dialogue between the protestors, the police and others, and we should not underestimate the extent to which that happened long before COP26 started.

The dialogue has included discussions at the marches, which can help to de-escalate tensions and allow



protesters to exercise their right to protest while public order is maintained. That is why the Scottish Government has funded the keeping our cool initiative, which is ensuring that independent mediators are present at protests and marches throughout COP26 and can intervene when appropriate to facilitate.



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 21st, Fri 22nd, Thurs 28th & Fri 29th April, Thurs 5th, Fri 6th, Thurs 12th & Fri 13th May 2022
(Assessment Weds 18th May 2022)**

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

New Training From a Place for Hope

In this second year of the Covid-19 pandemic, Place for Hope continues to respond to changing priorities in our support and training services. Peace-building skills at every level are needed now more than ever as many of us face change and transition, difficult conversations and challenging conflicts. We recognise a demand for our open access 1-day training programmes, which offer a foundation in understanding, recognising and responding to conflict and change.

In recognition of the needs we have heard expressed by many, we are offering two of our 1-day training programmes online. Recognising the challenges many people are facing, these programmes will be available on an accessible 'pay what you can afford' pricing plan and split into shorter sessions over a number of days:

Growing through Change and Conflict Foundation

Dates: Tuesday 8th February 2022 & Wednesday 9th February 2022

Time: 0930 – 1300 (attendance required at both sessions)

Venue: Online via Zoom

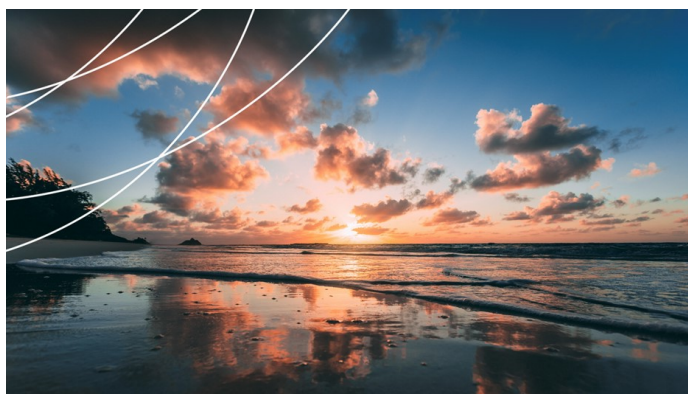
Learn how to recognise and understand conflict, earlier and with confidence: Why does conflict escalate? When is the right time to intervene or ask for help?

Develop your conflict transformation skills: How can you work through disagreements in groups and meetings? Is it possible to lower the level of conflict? Is there a better way to make group decisions?

Book your tickets here:

<https://bit.ly/3peigse>

Leading through Transition & Change



Dates: Tuesday 29th March 2022 & Wednesday 30th March 2022

Time: 3:00 – 5:30 pm (attendance required at both sessions)

Venue: Online via Zoom

As we see great changes occurring, both inside our churches and in society, there is a growing need to better understand how to lead well through such times of change. This course explores the phases of transition that take place within as we re-orientate ourselves to change.

Develop your understanding of these phases and equip yourself with the skills to lead through change and transition.

Book your tickets here:

<https://bit.ly/3qll1Xc>

Cost for each programme

Pay what you can afford (minimum amount of £15)

Happy to pay more to help support others: £55

Able to pay the standard price: £35

Need to be a wee bit careful with money: £25

It's tough at the moment; money is tight: £15

The Experience of Keeping Our Cool

Alun Thomas

As an employment lawyer for the last 40 years and a mediator for the last 15, I was absolutely thrilled to get the chance to take part in the innovative civic mediation project that was 'Keeping Our Cool' at the recent Glasgow COP26 gathering. As current Chair of Scottish Mediation, I am keen to take every opportunity that comes my way to expand the presence and public awareness of mediation and the benefits that it can bring. That made it very easy to agree to the approach that was made to me by Scottish Mediation by our friends at the Centre for Good Relations to join them, and Place for Hope, in putting together the group of volunteers that was to work on the streets of Glasgow throughout the COP26 conference.



A group of nearly 50 mediators gathered both physically and virtually to work in the space between protestor and police and I found the experience one of the most stimulating and rewarding I've had, both personally and professionally for years. The opportunity to work with fellow mediators of all ages, experience, and practice areas was a joy and the collective collaborative experience is one that I suspect will have set the bar for those engaged in mass protests and gatherings for the future. Not only in Scotland but much, much further afield in the years to come. Formal reports and academic research on the work done and the lessons learned are being worked on now.

All involved will, I am sure, have taken something positive from those COP26 days. Whether that be the observation of the contrast between the hierarchical structures of the various police presences and the much flatter but equally effective organisational methodology of Extinction Rebellion, or, as in my case, the fascination of discussing the ethos underlying the performance of a group of anarchist clowns outside the gates of BAE Systems at Govan Docks. No, I'm serious, there was a small group of clowns who set about

their work by prompting reactions from their audience and then hyper exaggerating that reaction into a performance piece. It was on the walk back from the docks that I established that their methodology was firmly and fiercely based in classical anarchist principles and was able to exchange notes with

them on my reading of Bakunin, and Black Flag, from the days when I was young... just a part of the way in which us mediators are able to build rapport with those they work with.

Over the fortnight 'Keeping Our Cool' estimates that they spoke with over 1200 people, police and protestors alike, about the way in which mediation can create a pathway for effective civilised respectful dialogue, and they were able to show what we all know, that mediation works!

Family Mediation Week 17-21 January 2022

Rosanne Cubitt

For Family Mediation Week 2022 we are focussing on what parents say about their experience of participating in Family Mediation with Relationships Scotland, and sharing some of the stories of what parents found most helpful.

One parent told us:

'It makes a big difference just being able to listen to what each of us has to say, which resolves conflict and helps to break down barriers. Most importantly our son is happier.'

You can hear from a mum talking about how mediation helped with sorting out arrangements for her two girls at this link: <https://www.relationships-scotland.org.uk/family-mediation>

One thing she says is: 'It was just the best way to speak it through....It just felt like you had somebody who was independent, listening to both sides but at no point could I feel pushed in to something.'

We have put together a few other comments from parents in to a short audio recording which you can listen to at the same link: <https://www.relationships-scotland.org.uk/family-mediation>

Throughout the week we will highlight stories of parents and children being supported by Family Mediation.

One Dad commented recently:

'Communications are so much better between us since we started mediation. We don't blame each other now. We are working together. The children are much happier. I don't want to go back to where we were.'

Mum said:

'Mediation has helped a lot, I just wish we'd started it sooner. I'm much less stressed, so are the girls. I just want them to have a good relationship with their Dad, I know they need that. All that matters is that they are well.'

You can find out more about Family Mediation, how it works and how it can help here: <https://www.relationships-scotland.org.uk/family-mediation>

You can read our blog about what to consider when looking for a family mediator here: <https://www.relationships-scotland.org.uk/blog/what-to-consider-when-looking-for-a-family-mediator>





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.

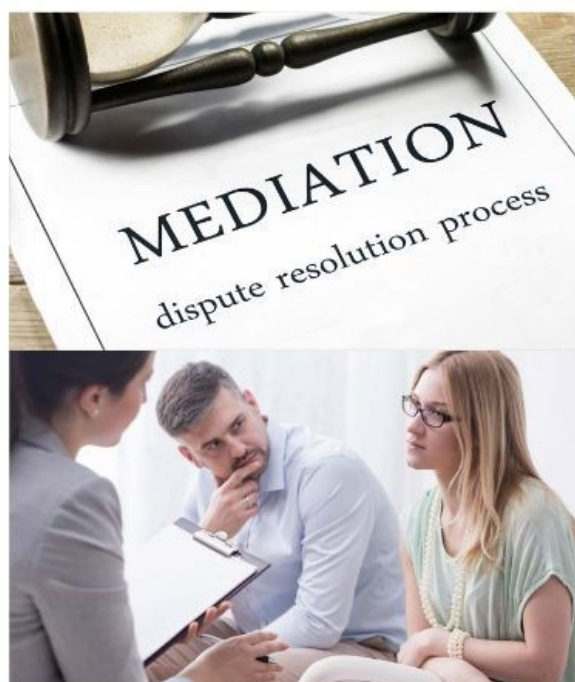
Legal training is not a pre-requisite; the MSc/LLM option means students from a wide range of disciplines can tailor the course to their needs.

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

UK Mediation Clinic Conference: Learning by Reflecting

The UK Mediation Clinic Conference
2022: Learning By Reflecting

Saturday, 5th February 2022 via Zoom

"Reflective practice is a dialogue of thinking and doing through which I become more skilful." (Donald Schön)

Since its inception Strathclyde Mediation Clinic has woven reflective practice into its work. The second Annual UK Mediation Clinic Conference offers a full day to learn about and understand this important practice. With a keynote from Michael Lang, author of 'The Making of a Mediator', as well as workshops, interviews, panel discussion and dedicated networking time, the event builds on the success of last year's conference in laying the foundations for the clinical education of mediators. It is aimed at practitioners, educators,

students and anyone interested in projects that put mediation into practice.

Other speakers include Dr Barbara Wilson, Craig Cathcart, Tzofnat Peleg Baker, Abdul Rahim, Dr Tom Scade, Charlie Irvine and more.

Tickets £45 can be purchased from the University Online Shop <link will be available soon> (please remember to also register via Eventbrite)

Free to Mediation Clinic members. All students go free but must register via Eventbrite with a University email address.

We look forward to seeing you on Saturday, 5th February 2022!

Online Mediation Skills Course

10, 11, 18, 24, 25, 30, 31 March 2022



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 four 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

Holding on or Letting Go

John Sturrock

At this time of year, it is good to reflect, to look back, and also to look forward. This is not always easy as we sense the clutter and complexity of life crowding in on us.

I have had the uneasy experience in the past few weeks of clearing out the Core office, our administrative base for the past several years. With remote working now the norm, not only for delivery but for administration, having a physical office space is, for us, an unnecessary luxury – or more honestly, a glorified and expensive storeroom.

And therein lies the problem. For that storeroom contains gems. Letters from people and clients long forgotten, records of past events, mediations and other fascinating exploits, proposals for unfulfilled projects, ideas which would have changed the world (we thought), articles and adverts (all meticulously logged in hard copy form). From those times when we printed everything out and received letters and enclosures by post, there is so much to read, to reminisce about, to follow up. I've taken to sending photographs (electronically) of long-lost documents to people featured in them – "remember this...", "whatever happened to...", "a blast from the past...". Some of the recipients respond, others probably shake their heads and click delete.

I found a folder of papers from a project in Africa – that would make a great article or book chapter, I think to myself. I had forgotten how often I had travelled to that great continent on mediation-related work. Records of the wonderful opportunities to support athletes,

coaches, funders and administrators in the lead up to the London Olympics and Paralympics in 2012. All the energy put into political dialogue, especially around the independence referendum in Scotland in 2014.

Then, there are all those early strategy papers with detailed action plans. We started so many projects in the early 2000s to promote mediation in different sectors: planning, health, construction, IP, the boardroom, SMEs, the list goes on. And pilot studies, proposed and never taken forward or taken to a certain stage and still undercooked all these



Photo by [Sigmund](#) on [Unsplash](#)

years later. Clauses in contracts, ideas for expansion of mediation into deal-making and public/private project management, the list gets even longer. Plus of course, all those interventions and facilitations which made a difference to somebody, somewhere.

Forty bags went off for shredding a week or so ago. A career's worth of endeavour. There are still a few folders to go through – and several boxes of retained papers to sort further, languishing now in my basement at

Holding on or Letting Go

John Sturrock

home. That will be a job in itself. When and how to do so? And at what cost to the present with its promise, to looking ahead, to creativity and innovation in 2022?

What is the price for holding on and what value might there be in letting go? More generally, for each of us, what are we clinging on to because we fear the loss in letting go? What would be the impact of releasing ourselves from those things – expectations, unfulfilled ambitions, entitlements, obligations, even our jobs – which confine or restrict us from doing or being what we need to do and want to be going forward? Regularly, as mediators, we ask others these questions. Do we

vulnerable. Perhaps my challenge, and maybe yours too, is to simplify all that clutter and complexity in life, to be open-minded about the possibilities in the future and to strip away the camouflage and protective armour by being vulnerable in the face of what lies ahead.

There are always options. Usually too many to handle well. As in mediation, we need therefore to identify criteria which we can apply to help us make choices. These are the benchmarks which address our real needs and interests, not simply protecting what has gone before. For me, in simple terms, what criteria will I apply as I endeavour to whittle down still further the contents of those boxes?

What are my reasons for holding on to any of it? Nostalgia? Sentiment? Or a real prospect of using the material in a future project, perhaps to the benefit of others who have not been through the same experiences?

More generally, as I consider 2022, what are the benchmarks for assessing how to use my time? There are things I have wanted to do for many years. These are regularly deprioritised as apparently more urgent work comes along,

often in the form of the next important mediation. But there is always a price to be paid. I sense that I need to find the courage to let go of quite a lot of stuff, literal and metaphorical, in order to do the things that really matter to me. What about you?

This first appeared as a blog post on the [Kluwer Mediation](#) website.



Photo by [Toa Heftiba](#) on [Unsplash](#)

need to ask them of ourselves?

A friend with whom I was discussing all this has lent me a business book by Gino Wickman, entitled Traction. Chapter 2 is about "Letting Go of the Vine". The writer tells us that "before you can grow, you'll need to take a leap of faith." Amongst other tips, he includes simplification, open-mindedness and being

Scottish Mediation News

Welcome to Scottish Mediation

Scottish Mediation are delighted to welcome Stephen Nail who joins as a practitioner member.

Mairead Fernandez McCann, Ian Robertson, Tom Scade, Gillian Carmichael Lemaire and Molly Danter join as individual members.

Whether you are an organisation, a practitioner of mediation or someone interested in finding out more we have a range of memberships available which can be viewed [here](#).

Workplace Conversion Course

This online practical two day course - Tuesday 8th and Wednesday 9th of February 2022 from 9.30 - 17.00 (13

hours of CPD), introduces mediators experienced in other fields to the problem of workplace disagreement and conflict.

Participants will learn about the causes of conflicts to watch for, how to adapt their mediation styles, the use of written communication and other techniques over two enjoyable, interactive days with opportunities to practice their newfound skills.

It is an opportunity for established mediators with experience in Community, Family or other mediation to widen their field of competence in both a practical and theoretical way.

This session will be facilitated by Carol Hope and Jeremy Scuse (see below for biographies).

For more details and how to book click [here](#).

Resolve conflicts at an early stage

Mediation Skills

Perth 5th and 6th October 2022

£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



Building a New Social Infrastructure

Graham Boyack

I always look forward to Scottish Mediation's annual conference. With good reason. The contributions from our speakers and delegates at Mediate 21 has given me lots to think about.

One of our sessions featured a report from Mediation Hertfordshire who have examined what's happening in community mediation across the UK and has looked at how things have changed



Photo by [Nina Strehl](#) on [Unsplash](#)

over the last few years. What is striking is that since 2008 the number of councils offering community mediation has plummeted from a high of 250 to 40. In Scotland there has been a similar picture with 28 services having been reduced to 13 today. The simple reason for the reduction is that, since 2008, local government funding has been reduced and, as mediation is not a statutory service, it has either been cut back or is simply not being funded anymore.

There is, however, some hope for the future. More and more people are recognising that mediation can help in a broad range of areas. In Hertfordshire a range of mediation services are now offered beyond the traditional neighbour disputes and family mediation to include new services that recognise the links between conflict and Health so that

mediators are offering services complimentary to those run by GP's and others. In a recent pilot project mediators have provided conflict coaching to help people manage their conflict better and the results show improved health outcomes with reductions in the stress that can often lead onto other medical issues.

The value of mediation in such circumstances was highlighted by a case we discussed at the conference. An elderly couple were suffering from noise from the house above, to the extent that they felt they had been deliberately targeted and were very distressed. As a result of a meeting facilitated by a community mediator, they met the with the family above, who have a young child with ADHD. The first thing the conversation allowed them to see was that they weren't being picked on deliberately and that the family had difficulties. It allowed the family to see that the elderly couple weren't exaggerating the impact of the noise and crucially it led to conversation. That



Photo by [Priscilla Du Preez](#) on [Unsplash](#)

conversation involving parties talking, and more importantly, listening led to an outcome where the couple agreed to support the family through their issues. That involved buying a rug for them which would help to reduce the impact of

Building a New Social Infrastructure

Graham Boyack

the noise, and give them a more comfy front room. It also created a relationship where they could talk to each other without the mediator being there.

Hearing that story started a discussion about where else we might be able to facilitate such conversations, helping people to manage their conflicts better and having a positive impact on health. We might see that as part of contributing to a new social infrastructure that would allow for a whole new way of how we look after one another with the very positive outcomes that would bring. It's an idea we are seeking to develop further but the pilot and report from Mediation Hertfordshire has got us thinking.

That tied in nicely with another of our sessions where Dr Anna Howard got us thinking about how we describe the mediation process and the people who deliver it. Too often we talk of mediation being an alternative or describing it in the context of avoiding something else like cost or delay. Isn't it much better to describe mediation as way of helping folk resolve their problems by helping them to have a civilised conversation. As ever; much food for thought.