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Mediate 2022 Keynote Confirmed

Scottish Mediation are delighted to confirm that Kathryn Mannix has agreed to be a keynote speaker at Mediate 2022.

The conference is being held on Monday 7th November in Edinburgh and as well as Kathryn's contribution will include workshops and an opportunity for mediators to meet up.

Kathryn was a consultant in palliative medicine in the North of England for 20 years, working in hospices, patients' own homes and a large teaching hospital both as a physician and as a Cognitive Behaviour Therapist. She took early retirement in 2016 to work for better public understanding of dying; this has included radio work, newspaper articles and a book *With the End in Mind* that, somewhat expectedly, became an international Best Seller, was shortlisted for the Wellcome Book Prize and was *The Times* 'Thought' Book of the Year. Her second book, *Listen*, about tender communication, was published in September 2021 to critical acclaim, and draws on her lifetime experience in communicating with people under emotionally-charged circumstances.

She believes that bringing ourselves into conversations that we perceive as 'tender' rather than 'difficult' can help us to be companions to people in distress. Rather than 'fixing,' we can validate their experience and help them to be authors of their own solutions.

Details of the conference will be published soon, look out for details.



Strathclyde Mediation Clinic Funding Awarded

Charlie Irvine

Strathclyde University's Mediation Clinic has received a major grant from Scottish Government's Justice Directorate. The £71,559 award means the clinic can continue to provide a free mediation service in 18 sheriff courts; last year the clinic received 279 referrals and provided 125 mediations under the Simple Procedure rules.

The grant, covering a 15-month period, funds a full-time coordinator and, for the first time, a sessional fee for lead mediators. These experienced practitioners work alongside student and assistant mediators to ensure a high quality, professional service to court users. Simple procedure rules (for cases up to £5,000) require the sheriff to consider alternative dispute resolution and ensure that unrepresented people are not disadvantaged. The clinic's free mediation service enables litigants to negotiate a mutually acceptable resolution to their dispute, reducing anxiety and risk while freeing up court time.

The Mediation Clinic has been an innovator in online dispute resolution, providing remote mediation since mid-2020 and extending its coverage across South and Central Scotland. It was winner of the Community Contribution Award at the Scottish Legal Awards 2019 and 2021, and this new grant is further recognition of its key role in the justice system.

Charlie Irvine, clinic director, said: "None of this could have been achieved without the time, energy and skill of our volunteers: mediators, board members and students. I'm also grateful to the university for all its support over the

past ten years.

"Finally I'd like to welcome our new clinic coordinator, Pauline McKay, and thank her for all her work as our administrator. She has made a huge contribution to the clinic's growth."

Dr Rebecca Zahn, deputy head of the law school, added: "Winning this grant is an excellent achievement for the Mediation clinic and is testament to the hard work and dedication of the clinic's director and administrator, and all the volunteers. The Strathclyde Law School



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

is delighted to be able to host and support the work of the clinic which is at the forefront of providing high-quality mediation services."

Fife Peer Mediation Programme

Kathryn Hilditch

Over the last few months we have had the absolute pleasure of working across Fife delivering peer mediation training. In partnership with Our Minds Matter Fife, our aim is to offer every primary school in Fife access to peer mediation training and support in setting up a peer mediation service within their school.



This opportunity has come at a great time – after two years of the pandemic, young people have not had the chance to get involved in this sort of experience for a really long time. Mixing has been restricted and the development of social skills has suffered as a result. Our ambition, challenging in covid-times, has been to bring pupils together from different schools, to share learning and ideas and also to have the chance to meet others out with their immediate school circle. Others who, in a few years time, they may meet again when they start high school.

We set out to deliver 18 peer mediation training sessions – two days per session – between October 2021 and June 2022. There are 18 high schools in Fife and the aim was to provide one session for each of the primary school clusters which feed into these high schools. Each school was offered around 3-4 pupil places plus a place for an

adult who would support them to take peer mediation forward.

We started out well, working in a fantastic community hall in Cupar for the first two sessions. The young people and their adults were fabulous, some understandable nerves to start with, but over the course of the two days they gained in confidence and ability brilliantly. They also formed friendships and a bond that was clear to see. By the end they were working as a group and it was hard to tell which pupils were from which



school. The mediation skills on show were also fantastic, it always amazes me how quickly young people, some as young as 9 or 10 are able to pick this up and start mediating. Coming back on the second day is always such a pleasure, hearing what they have picked up and their examples of using some of the skills the previous evening often with parents or warring siblings.

Fife Peer Mediation Programme

Kathryn Hilditch

The 6 sessions we had planned before Christmas were disrupted by the rise in covid cases and we managed 3. Likewise, all the sessions we had planned in January were cancelled so we are now playing catch up and have had to extend some of the sessions beyond the summer and into the autumn term. We have now, however, delivered 6 sessions and this feels like a major feat with all the challenges that have come our way. That's around 180 young people and adults that we have reached and shared learning with so far. These young people and adults have been fantastic and it has been a privilege to work with them. They have been fun and engaging, enthusiastically taking part in all of the games and exercises we have thrown at them. They have also been open and willing to share even when we asked them challenging questions around conflict and disagreement and to reflect on how they responded to these things.

At the end of each session we have gone away feeling such hope for the future, knowing that young people are able to grasp these concepts around conflict resolution and mediation and take them forward and share them with others. We believe that all young people should have the opportunity to learn these important life skills from an early age. If they did, who knows what a positive impact this could have upon them, their communities and wider society.

After the school holidays, we will be back delivering around Fife and we can't wait. We know we will meet lots more fantastic young people and adults, waiting for the opportunity to learn peer mediation skills and how to take it forward in their schools. Imagine a Scotland where all schools have a peer mediation service, where young people are empowered to sort out their own

problems and to support their peers when needed. The Fife model feels like a starting point for rolling peer mediation out more widely, and I believe it being in every school is achievable. I'm excited to see how this can develop over the next few years.



As well as the Fife programme, we are also getting regular enquiries for peer mediation training and are out training throughout Scotland. We also deliver training for adults who would like to deliver peer mediation training for young people themselves. Our next Training for Trainers session takes place online on the 15th and 16th June and more details can be found here: <https://www.eventbrite.co.uk/e/peer-mediation-training-for-trainers-june-2022-tickets-256927104887>

If you would like any further information about the Fife programme or on peer mediation more generally, please feel free to contact me at kathryn@scottishmediation.org.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.



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

The Core Challenge

John Sturrock

The article by David Hossack and Laura McKenna in the last edition of Collaborate caught my eye. It made for rather depressing reading for those of us who, over 20 years ago, were addressing the same points about solicitors' reluctance to use mediation!

In my own article in that edition of Collaborate, I mentioned clearing out the Core office. One of the many documents I came across was a paper from November 2001 by one of Graham Boyack's predecessors, Ewan Malcolm, then still a solicitor at Drummond Miller.

The paper was addressed to the Judicial Procedure Committee of the Law Society of Scotland and was entitled "Mediation – An Option Full of Opportunities." Its aims included to add to understanding and knowledge of mediation; to suggest its benefits to judicial procedure and Scottish civic life generally; to reassure that mediation was an exciting opportunity and not a threat to work or income; and to encourage embedding mediation in society. Shades of Scottish Mediation's recent vision statement?

As one would expect of Ewan, it is a well written and persuasive document. It has one section entitled "Why Might Lawyers be Resistant to Mediation?". Sounds familiar? The reasons include: power imbalances, suspicion of the unfamiliar, perception that mediation is too soft or "touchy feely", increased cost if unsuccessful, loss of control, lack of skill or negotiation aptitude, diversion of Legal Aid, fear of loss of role and loss of revenue.

Each concern was addressed in the

paper, which also encourages and explains the benefits of judicial referral. The role of lawyers is explained and explored. Examples are given of mediation being attractive and successful in other countries and of it being supported by the general public and governments. "Especially in these uncertain times" writes Ewan, "people want to achieve peaceful solutions through better communication." Plus ça change?



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He also says: "Mediation awareness training for lawyers would assist appreciation of the distinct and complimentary roles of the mediator and the lawyer." Ewan proposes the inclusion of mediation in legislation and changes to court rules to help make mediation readily available.

He concludes: "Such a change could put Scotland among the world's leaders in providing a creative, efficient and cost effective dispute resolution service to its people and to those who do business here." I remind us: this was written more than 20 years ago.

The Core Challenge

John Sturrock

I know and appreciate that a lot has happened in 20 years. Indeed, in my experience, there are many solicitors and counsel who understand, recommend and use mediation (to great effect). For them this is now a part of professional life. But might we not also feel a sense of disappointment and perhaps even a little embarrassment that we have not made more progress in that time? It will soon be three years since Scottish Mediation published "Bringing Mediation into the Mainstream", a report by an Expert Group of which I was privileged to be co-chair. It made extensive recommendations for change. I fear that few of these have come to pass. What do we still need to do to make a real difference?

Last year, to celebrate 20 years in business, Core invited young professionals to propose the one change that would make a real difference and increase the use of mediation in civil and commercial cases in Scotland.

Emma Anstead has summarised the output, with the following possible action steps to implement the ideas which emerged, cross referring to the Expert Group report:

Scottish Courts:

Amendment to civil procedure 'Ordinary Cause Rules' (the rules which determine some Sheriff Court civil procedure) to require the party raising proceedings to show that mediation has been considered prior to any formal hearing.

Introduction of a new Practice Note in the Court of Session for all actions - akin to paragraph 18 of Practice Note No1 of

2017 which applies to commercial actions - to require parties to show that they have considered mediation prior to raising proceedings.

Expansion of in-court mediation services and facilities to offer advice to parties on mediation and offer mediation.

See Case Management, Funding & Court



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Rules recommendations 1 – 15, 18 & 19 on pages 5 & 6 of the Report.

Inclusion of mediation as part of the education programme for judges, sheriffs and others holding judicial office. See Education, Training & Awareness Building recommendations 20-22 on page 7 of the Report.

Scottish Government:

Include mediation clauses in all Scottish Government contracts. See Awareness Building recommendation 24 on page 7 of the Report.

Introduction of requirement to include mediation and conflict resolution in Scottish Schools' core curriculum. These fundamental life skills could form part of

A Place for Hope

Post: Training Officer – Conflict Transformation & Reconciliation

Salary Scale: £29,394 - £31,182 (full time equivalent per annum; starting scale dependent on skill and experience)

Status: Fixed Term (18 months, with possibility of extension), Part-time – 21 hours p/w

Location: Home Working, with travel for events throughout Scotland & UK



Closing Date for Applications: 04/05/22 at 12 md

Interviews will be held on: 13/05/22

Start date: tbc depending on availability, but w/c 13/06/22 would be ideal.

Job Summary

The role of Training Officer is a key new position in supporting the charity's strategic goal of growing our outstanding training programmes to equip more people and faith communities to reach their potential as peacemakers. The Training Officer will support all work related to our Training Programmes, internal and external, both online and in-person training. The role will have a particular responsibility for the **delivery and ongoing** development of the 'Positive Working Together' training programme for the Methodist Church in Britain, in collaboration with colleagues in the Methodist Church Learning Network, and under the co-ordination of the Training Manager.

Previous experience of training, resourcing and equipping in the charity sector, as well as a passion for peacemaking is essential. This is an exciting time to join Place for Hope and play a pivotal role in equipping faith communities to *choose peace in times of fear and division*.

Please download the job application pack at www.placeforhope.org.uk or for more information contact Carolyn Merry: carolyn.merry@placeforhope.org.uk

We are recruiting
a Training Officer!

[placeforhope.org.uk](http://placeforhope.org.uk/about/vacancies)
/about/vacancies

Apply by 4th May



The Core Challenge

John Sturrock

the Health & Wellbeing strand of the curriculum.

Scottish Legal Aid Board:

Legal aid to be provided for mediation. See recommendation 15 of the Report.

Scottish Colleges and Universities

Further and higher education colleges and universities should offer mediation



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and conflict resolution courses to all students. See recommendation 20 of the Report.

The Law Society of Scotland (See recommendation 20 of the Report.) Updated and clear guidance required to require all solicitors and solicitor advocates to consider and discuss mediation with clients.

Introduction of specific CPD requirements to require all solicitors and solicitor advocates to have a working knowledge of mediation.

Increase in CPD events focussed on mediation.

Amendment to requirements for attaining a Diploma in Professional Legal Practice to include mediation as a compulsory module.

Amendment to requirements for trainees to undertake a minimum amount of CPD focussed on mediation before they can obtain a practising certificate.

The Faculty of Advocates (See recommendation 20 of the Report.)

Updated and clear guidance required to require all advocates to consider and discuss mediation with clients.

Introduction of specific CPD requirements to require all advocates to have a working knowledge of mediation.

The Business Community and Business Organisations

Inclusion of mediation clauses in all commercial contracts.

Scottish Mediation

Expand its offering of education programmes to Scottish schools See recommendation 23 of the Report.

Encourage registered members to spend a pre-determined period of time each year marketing mediation as part of CPD requirements, targeting specific industry sectors. See recommendations 16, 17 & 21 of the Report.

There is a lot there. Perhaps there is movement in a few of these? What can be done now to implement as many as possible of these suggestions?

PS Since writing this, I have read the exciting news about the major grant awarded by the Scottish Government to Strathclyde University's Mediation Clinic. This seems like exactly the kind of breakthrough we need.

Scottish Mediation News

Welcome to Scottish Mediation

Scottish Mediation are delighted to welcome Guy Lipert, Morag Dawson, Arlene Harvey and Mark Adderley who join as practitioner members.

Thomas Moran, Natalia Alvarez and Alan McNeil 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](#).

Masterclass in Trauma, Human Development and Personality Disorders

A Masterclass that will discuss how Trauma, Human Development and Personality Disorders can affect

participants' ability to engage in face-to-face conversations.

The workshop will be presented by Andy Gray. Andy is the Company Director of ACT Counselling Services Ltd and a retired Psychotherapist. He has over 25 years of experience in the helping professions including; Psychiatric Hospital Management, Social Work settings, Private Practice, and has taught in various universities and private training providers across the UK. His specialisms include trauma, addiction, and personality disorders.

Venue: Online/Zoom

When: Thursday 5th May 2022, 10am - 1pm

Cost: £40 (members)/£80 (non-members)

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



Peace Abroad Means Peace at Home

Graham Boyack

I have been watching the conflict in Ukraine and even though I am a mediator I have been finding it difficult to see how a peaceful solution can come about and what's needed for it to happen. The dynamics of the conflict are very different to the ones I deal with day to day and even imagining how the dialogue and negotiation might take place is challenging. That said, many seemingly intractable situations are eventually resolved through mediation and I hope a sustainable solution can be found for Ukraine.



Photo by [Sunguk Kim](#) on [Unsplash](#)

It got me thinking about what we could do in Scotland to support the efforts to build a lasting peace. There are mediators in Scotland operating via a number of different organisations, some based in Scotland, some internationally, but at present we don't gather that experience to share and learn. There has been discussion in the past about the idea of a Scottish Peace Institute and perhaps that could provide a framework for Scotland to develop its expertise and to provide support in conflicts across the world.

At the time of the most recent election it struck me that if such an initiative were to be taken forward it needs to be supported by the development of media-

tive skills across all areas of Scottish public life.

So, where can we make a positive impact? Via Scottish Mediation's Young Talk initiative we have recently restarted our work in schools. We've been working across Fife in conjunction with the Our Minds Matter programme training teachers and school students in the skills of mediation. This is a way of preparing young people for life. These are skills that they will have for the rest of their lives whether that be in their families, in education, in the workplace and eventually in the relationships they establish with their future families. This is important for a peaceful Scotland.

Just like any other skills, if we don't use them, they can become rusty and, for me, re-skilling people in further and higher education would be an ideal opportunity both to refresh skills for those previously trained and also to reach those who may have missed out earlier.

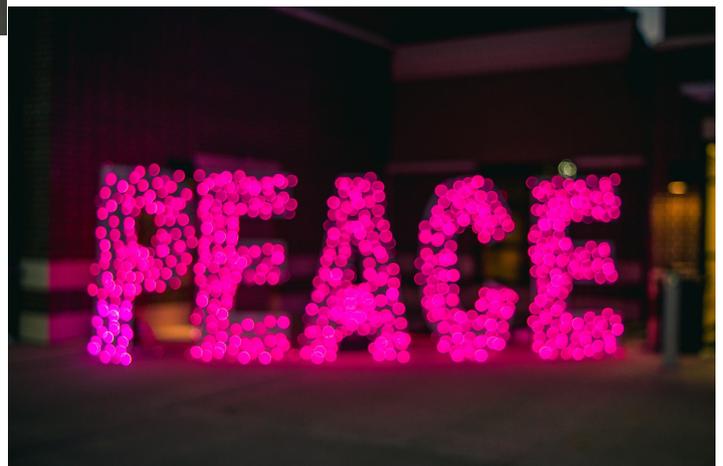


Photo by [Jonathan Meyer](#) on [Unsplash](#)

Having the skills is one thing but their widespread use is important too. That's why it is helpful for public bodies to take the lead in using mediation and developing its use in organisations. This isn't just restricted to how we resolve

Peace Abroad Means Peace at Home

Graham Boyack

disputes in the workplace (even that would help) but also in using mediation and peacebuilding techniques in the way we resolve conflict in Scottish society and how we approach the discussion on the difficult issues facing us such as climate change, health and poverty.

The final way we as a country could demonstrate how we support peace building would be in the public discourse around politics. That involves how we speak about each other, how we respect each other's points of view and how we recognise the complexity of issues we face whilst resisting boiling everything down into a simple "yes or no" "for us or against us" proposition.

Are you an experienced mediator or facilitator looking to **diversify your skills**? Do you want to take a **business unusual** approach to mediation?



If so, spaces are still available to join our 2022 training course:

Civic Mediation Theory and Practice A methodology for systemic conflict transformation

When: Days 1 & 2: Tuesday 10th May - Wednesday 11th May (10:00 - 16:00)
Days 3 & 4: Tuesday 24th May - Wednesday 25th May (10:00 - 16:00)
Day 5 Online Input: Wednesday 8th June (4 hours contact time via Zoom)
Days 6 & 7: Tuesday 21st June - Wednesday 22nd June (10:00 - 16:00)

Where: The Bay Hotel, Burntisland Road, Kinghorn, Fife, KY3 9YE.

Cost: £750 including all training materials, lunch and refreshments.

Click on the link for further information: <http://centreforgoodrelations.com/training-courses/>

To register: <https://forms.gle/DPUxe87JoQKuYq3s6>, or to discuss, please contact Abdul Rahim at Centre for Good Relations by email: abdul@centreforgoodrelations.com or Tel: 07960 683328.