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Life, and Mediation Goes On

I recently attended a seminar about how mediators can make a positive impact in helping to resolve conflicts and wars across the globe. It was organised by the Mediators' Institute of Ireland with the excellent Ken Cloke as the guest speaker. Ken talked about how mediators could act in the context of autocracies gaining in strength and power across the globe and the role mediators can play in addressing the challenges of climate change.

There was a great discussion about the difficulties in the Russia/Ukraine war in identifying ways that negotiations might take place, the dangers of demonising particular



sides and how to support Ukraine's self-determination in the current context. There was a particular call for mediators to offer to help the difficult discussions around climate change and to take a lead in demonstrating from their own work initiatives that will reduce carbon impacts.

Perhaps the most powerful part of the seminar however was when mediators, some based in Ukraine and some working as refugees, told their stories of conflict and the challenges



Life, and Mediation Goes On

Graham Boyack

facing them on a day-to-day basis. Until I had heard their contributions, I had naively presumed that most 'normal' mediation would have been stopped by the war and that any focus would be around negotiations around the conflict and issues presented. I

can be given. One of these is on training programmes to support the mediators. There are particular needs around dealing with families in crisis and with people who have suffered and are enduring trauma. The other area where people need support



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couldn't have been more wrong.

Perhaps not surprisingly the need for support for families via mediation has intensified and the mediators told us of the challenges of separated families and the issues around trauma that are impacting on family relationships on a day-to-day basis. Most of the mediations are taking place online which is dependent on telecoms infrastructures being maintained and that has not always been easy. In many cases the fact that that families are separated both within and outside the country has also provided significant challenges. What amazed me was the resilience of the mediators working in amongst all that is going on who will have their own family challenges.

From the discussion a number of issues became clear in terms of ways that support

was in terms of financial aid as many of the organisations that provide work and pay salaries are not functioning due to the war.

The other area discussed was the need for mediation organisations to coordinate their work in our own countries to ensure that mediation is available to refugees from Ukraine (and indeed refugees from other countries too) to

navigate the issues around family relationships and other areas for potential conflict that they may be experiencing. The Mediators' Institute of Ireland have been doing commendable work with the Irish Government to make sure information and services are in place and this is an area that may require further consideration in Scotland.

Scottish Mediation will now be engaging with our Irish counterparts to better understand how they have engaged with government and other organisations to put in place their arrangements. Being able to provide such vital support is another way of assisting those whose lives have been turned upside down. It is also a way of showing solidarity with mediators in Ukraine who continue to provide their services in the most difficult of circumstances.

The Art of Possibilism

Emma Anstead

William Ury says he is often asked whether he's an optimist or a pessimist. It's a good question to ask of the Harvard professor and author of 'Getting to Yes', 'The Third Side' and 'Getting to Yes with Yourself', given that he has dedicated his working life to negotiation and conflict resolution. From the Middle East to the Cold War to the war in Ukraine, he has travelled the globe sharing his expertise in peacebuilding. As a child growing up in the US, the Second World War was fresh in the minds of his parents and, during the Cold War and, in particular, the Cuban missile crisis, the prospect of a Third World War felt very real. As an anthropologist, he started his academic journey on a quest to understand why humans fight with one another and has spent his career observing them doing just that. And so, in our apparently increasingly polarised world, is he an optimist or a pessimist?

Perhaps not surprisingly, he says he's neither. Instead, he considers himself to be a 'possibilist'. In other words, he believes in human possibility and human potential. Indeed, during a recent gathering of the signatories of the Mediators' Green Pledge during COP26, where he gave an inspiring and passionate presentation, he tore open his shirt, Superman style, to reveal a black t-shirt with POSSIBILIST in bold letters! (You can watch his presentation during the second half of the recording here.) By way of example, he told us about a global initiative that he is involved in called the Green Grid. Surely, he posited, with the sun always shining and the wind always blowing somewhere on

our planet, we should be thinking about some kind of global network to harness



Photo by [Marco ten Donkelaar](#) on [Unsplash](#)

the natural energy of the planet? And so, he has been working with a small group of experts, including scientists, who have come together to form a World Climate Parliament to focus on realising the idea of the 'Green Grid'. So how on earth did he approach a challenge on such an enormous scale?

He suggests we need RIC: Radical Inclusive Collaboration. It was RIC, he says, that brought an end to the Cold War, to the practice of Apartheid in

The Art of Possibilism

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South Africa and to enable the internet to reach all corners of the globe. Perhaps most notably, William strongly believes that an essential element of RIC requires the contribution of mediators with the skills to support constructive, productive and innovative dialogue.

And just in case we still needed to be convinced, he mentioned that, during COP26, India, the UK, the EU and 80 other countries across the world signed the One Sun Declaration committing to the creation of a Green Grid.

And he's keen to do much more. Last year, he launched a philanthropic programme called 'BB3' based on his approach to conflict resolution. (BB3 standing for Balcony, Bridge-Building and the 3rd side. You can read more about it [here](#).) As part of this programme he invited 'teams of possibilists' to join him for a two day on-line workshop. He invited each team to bring a real-life conflict or challenge and apply his BB3 approach. He has a dream of forming a 'League of Possibilists' who could use and share their BB3 skills with others. His vision is that, by enabling teams of possibilists, he will encourage a tried and tested approach for tackling our most difficult negotiations and conflicts. I have to confess it did sound quite radical at first, however, as a mediator, these weren't entirely foreign concepts.

Fast forward to early May 2022 and I was ready to click 'join meeting'. The virtual room was full of teams dealing with conflicts and challenges from across the world. While we didn't share the details of our respective situations with the group, we worked in parallel, applying the BB3 approach. As we joined

together for the plenary sessions it became clear that the virtual rooms were buzzing with new ideas of ways to approach their different situations.

It was a remarkable couple of days. Much like a mediation, our team experienced a gamut of emotions and



Photo by ["My Life Through A Lens"](#) on [Unsplash](#)

slid back and forth on the scale from optimism to pessimism but finally, we emerged, convinced that we might just be possibilists too!

It's hard not to be convinced by William Ury. Despite all that he has seen and still sees in his continuing work as a peacebuilder, his belief in our innate human capacity to resolve conflict remains as strong as ever. As mediators, we have the skills to support others to resolve conflict positively and constructively. And while we might not be dealing with conflicts on the scale of the Green Grid, we can practice the art of possibilism in the work that we do and the challenges that we face and, in doing so, help to reframe the dialogue that we observe towards a more positive, creative and sustainable outcome. As William Ury asked at the end of his presentation, "If not us, who? And if not now, when?"



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.

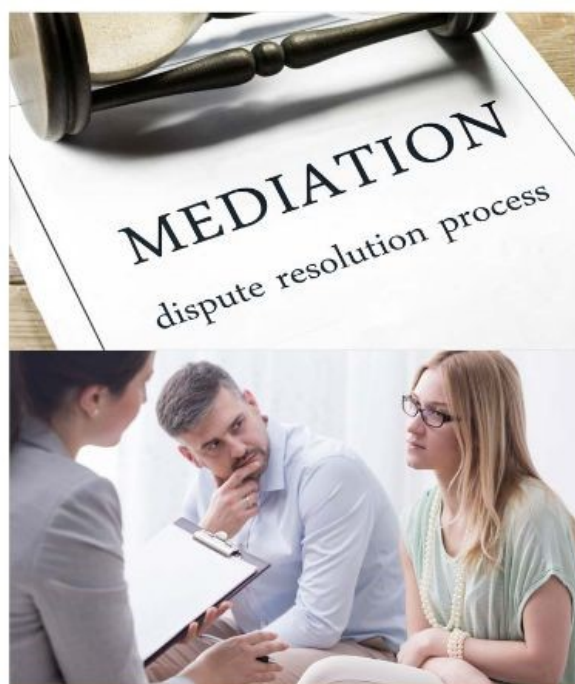
Legal training is not a pre-requisite; the MSc/LLM option means students from a wide range of disciplines can tailor the course to their needs.

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

Connecting Across the Channel: How Scottish Mediation Has Helped Bring Peer Mediation to Jersey

Craig Cathcart

The influence of Scottish Mediation's innovative peer mediation project has grown beyond our own country, as seen at the recent 'graduation' of pupils from Grouville Primary School in the Channel Islands. I was lucky enough to be present in St Helier, Jersey, as the 10 and 11 year old kids received their peer mediator certificates and raised the roof in celebration.

So how did we get here?

Since 2017, Queen Margaret University, Edinburgh has been working in partnership with The Resolution Centre, Jersey, to deliver mediation and mediation skills training in the Channel Islands. In that time, over 100 adult learners have enrolled as part time QMU students, and left with a triple accredited qualification approved by Scottish Mediation, the CI Arb, and of course by the university itself.

We have taught people from government, the third sector, law, a range of private sector industries, ombudsmen (and women). Some have become mediators; more have gone back to their professional roles and positively applied mediative skills when dealing with teams, projects, and challenging situations.

In Jersey, a self-governing 9 by 5 mile island of just over 100,000 people, the ripple effect of our work has been noticeable. Greater awareness has led to fresh thinking about how mediation might give a better way of dealing with differences. Not least, with young people.

That desire to look at things anew and the 'Caledonian connection' came together when in 2020, several members of the team from The Resolution Centre attended Scottish Mediation's peer mediation training for trainers. Overcoming

the pandemic bumps in the road, they then partnered with Grouville Primary to pilot peer mediation in Jersey. As the noisy graduation celebration emphasised, it has been a positive and rewarding success.

Testimonials from the young people prove again the adage of wisdom coming from the mouths of babes and sucklings. As one newly qualified young mediator put it, 'I like it because it means we can get the hard stuff out of the way and that leaves more time for fun.' Scottish Mediation should be proud of its role in helping spread the positive im-



Photo by [Torsten Dederichs](#) on [Unsplash](#)

pact of mediation from our own country to another, one with which we share many characteristics. For me, I am looking forward to the opening of my next mediation, when I hope I can encourage the parties to work together: to get the hard stuff out of the way, so we have more time for fun.

For further information:

Grouville Primary Peer Mediation:
<https://www.grouville.sch.je/peer-mediation.html>

The Resolution Centre Peer Mediation:
<https://theresolutioncentre.com/peer-mediation/>

Developing Mediation at the University of St Andrews

Rebecca Swarbrick

The Mediation Service at the University of St Andrews is now registered as a fully accredited training provider by Scottish Mediation. They will now be able to train mediators both within the university and from external organisations.

The Mediation Service was launched in November 2020 to give students and staff the support they need to successfully manage conflict situations. Given that over 10,000 students and staff converge on the small town from over 140 different countries, each bringing their own expectations and knowing what we do about the inevitability of disagreement, it is easy to understand why alternative dispute resolution was identified as necessary in the University strategic priorities.

For people to do their best work, they need an environment where they feel safe enough to articulate and test different perspectives and innovative ideas. When disagreements arise, they need a service that will respectfully help in them seeking resolution. This connection between wellbeing and good relationships is important in creating and supporting a culture where all can thrive and do their best work to benefit society.

Teaching students and staff about conflict resolution and raising awareness of the Mediation Service will build more resilience into our community and further equip graduates. Graduates will be able to draw on their experience of how conflicts develop and how to address them in ways that can restore, rather than rupture, good working relationships. They will go out into the world equipped with knowledge to help

people to reconcile and will be part of the next generation of peacemakers. The Mediation Service currently includes 19 Post Graduate students and 7 staff mediators who underwent mediation training, accredited by Scottish Mediation and we adhere to Scottish Mediation code of practice. Our



Rebecca Swarbrick, Nicola Balloch and Ruth Unsworth from the University

own accreditation means that we are better equipped to respond to the range of student and staff requests for training and support and our partnerships with external organisations will help to generate funds to further the work of the Mediation Service.

If you are interested in receiving training from University of St Andrews Mediation Service please contact mediation@st-andrews.ac.uk.

Scottish Mediation Hallmark of Inclusion Update

Amanda Heenan

We just wanted to say a big thank you to our members who participated in the Hallmark of Inclusion survey last year, and contributed to insight at Mediate2021 about how we can achieve our equality, diversity and inclusion objectives.

These objectives were defined as part of the Hallmark of Inclusion process to assess the extent to which Scottish Mediation provides a safe, inclusive and accessible environment that values diversity, and what we can do to make a meaningful, positive difference. You can read more about them here.

Priority areas were to understand how reflective of Scotland our Register of Mediators is, and to ensure that we welcome and encourage a diverse range of people to be involved in our organisation, be that on the Board, as members of staff or our wider community of mediators and members.

Getting your perspective and ideas as a member of Scottish Mediation is such an important step along this journey. We had 31 responses from the survey sent out in December 2021. To summarise what we heard from you: There was some evidence of Scottish Mediation promoting equality, diversity and inclusion, through training and dedicated discussion at Mediate, however there could be more

Most members feel accepted and valued for who they are and have their access needs met

Online mediation, events, and training are seen by three quarters as way of increasing accessibility

The majority of members feel able to

raise concerns related to discrimination or harassment

Some of the barriers to having a more diverse membership of mediators



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included: The cost of mediator training, registration as mediator and as a Scottish Mediation member

Access and cost of indemnity insurance

The difficulty of getting enough experience to get onto the register

Scottish Mediation Hallmark of Inclusion Update

Amanda Heenan

Low fees for referred mediations can be a barrier for mediators from diverse backgrounds.

The engagement with members, staff and trustees gives insight into the specific outcomes that SM should be working towards. These recommended outcomes fall into two categories, relating to the strategic objectives set out in the Strategic Plan:
Mediation being easily accessible

Mediators reflecting the communities they serve



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Based on the analysis of the engagement with members, staff and the board a longlist of recommended potential actions has been drawn up. In April, these findings and recommendations were presented to the Board of Scottish Mediation, who were very supportive of progressing this work.

We will be setting up a sub-group of the Board to consider and prioritise these recommendations so that they can be operationalised. We would welcome input from members as part of this process. Please contact Graham Boyack at graham.boyack@scottishmediation.org.uk if you would like to contribute.

In the meantime, here are some examples of actions that have been taken so far: Application submitted to Scottish

Government's Equality and Human Rights fund. The application was not successful this time, but we got good feedback and will keep on looking for funding opportunities to promote mediation and engage with diverse communities about mediation

We are a member of the Equality Advisory and Support Service Reference Group to promote the use of mediation where people have concerns about discrimination or harassment and need advice about protections under the Equality Act 2010

Collaboration with The Fair Justice System for Scotland (FJSS) Group that led to a joint seminar on mediation with more hoped for soon.

Accessibility now routinely considered in planning events and training

EDI training for Mediators included "Developing Your Cross-cultural Skills" delivered by Tony Buon, who teaches courses on Cultural Intelligence (CI)

Welcome to Scottish Mediation

Scottish Mediation are delighted to welcome Stefan Hoggan-Radu, Alison Welsh, Frances Sim, Ben Cramer and Elise Schwarz who join as practitioner members.

Rhys Cifuentes, Cameron Cross and Robert Campbell join as individual members.

CMS Cameron McKenna Nabarro Olswang LLP 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](#).

Scottish Mediation News

Save the Dates

Our next CPD will be on Ethics in Mediation and will be led by Craig Cathcart.

Duties and dilemmas: the practical application of ethics in mediation

This seminar will combine a modest amount of talk and electronic chalk with scenarios and tricky questions. The aim is to encourage us to reflect and share what each of us would do when faced with an ethical dilemma in a mediation, and why.

We will set the scene, connecting ethical frameworks with the fundamental principles of mediation. We will then go on and explore how different ethical duties may come into tension in hard cases, and explore how each of us might try to manage or resolve such tensions.

While the dilemmas may be easy to answer at the extremes of black and

white, it may be that the trickier cases in the middle contain many more shades of grey.

The CPD takes place on 28th September 2022 online from 1.30pm-4pm. Further details will be posted on the website.

Mediate 2022

This year's Mediate takes place in person on November 7th 2022. Our keynote speaker is Kathryn Mannix author of Listen.

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.

Further details including the full programme will be available soon.

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



Scottish Mediation News

Masterclass in Trauma, Human Development and Personality Disorders Part 2

This half day CPD workshop is likely to appeal to frontline workers who support, or work with clients in a professional capacity who have experienced trauma in their lives. The focus will be on the signs and symptoms of PTSD and Complex PTSD, their impact on psychological functioning, physical functioning and perception. Links will also be made with, and discussion will focus on, the impact of trauma on relationships and what helps those impacted. Overall, the workshop aims to provide frontline staff with additional knowledge and skills in becoming trauma informed.

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 Man-

agement, 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.

Please note you do not have to have attended Part one to attend this Masterclass. You are welcome to choose a ticket type which allows you to access a recording of the first session.

Cost: £40 (members)/£80 (non-members). Tickets that include a link to the first session: £45 (members)/£90 (non members)

Venue: Online/Zoom
When: Thursday 5th May 2022, 10am - 1pm

Cost: £40 (members)/£80 (non-members)

To book click [here](#).

Online Mediation Skills Course

25, 26, 29, 30 August, 2, 7, 9 September 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