

Scotland

Our nation that mediates

Building a more compassionate
Scotland by 2030

Facing the challenge

The scale of the challenge that Scotland faces to maximise the impact of government from limited resources requires new ways of doing things that are proven to work.

Conflict is inevitable. Positive outcomes require us to navigate multiple complex relationships helping people to address the issues that need discussed and to find the solutions to move forward.

Now is the time to highlight mediation as being a key opportunity to support this process. We've highlighted three areas where we believe mediation has a role to play.

What we propose

Scotland's civil justice system to make more use of mediation

Why we propose

Mediation delivers a person-centred approach to resolving disputes, that is effective, and at a proportionate cost to those involved.

Many are put off seeking resolution of disputes because the cost of doing so outweighs the benefits and Mediation provides an opportunity to change that.

At a time when our courts are struggling to cope with demand, Mediation provides an opportunity to help reduce court backlogs.

An expansion of mediation into areas such as ordinary cause would not require government investment.

In family dispute resolution the opportunity to use mediation early should be provided for. Initiatives such as mediation information sessions and vouchers for parties would be a great step forward.

The investment this would require would pay dividends both through earlier resolution and a reduction in the need for such cases to go to court.

In Scotland to take this work significantly further a Mediation Act would support a wider number of initiatives and provide the impetus for further change.

What's the evidence

Since its wider introduction in Simple Procedure a significant number of cases have been resolved using mediation.

The feedback from parties involved is positive.

Looking at the figures from the university of Strathclyde Mediation Clinic alone, from January 2022 to January 2026 the Clinic exceeded all agreed objectives:

- 1532 cases referred
- 930 mediations provided
- 642 civil cases resolved (69%)
- Estimated cost saving to the courts: £806,436 (by January 2026)

In terms of access to justice:

- Nearly 90% of parties are unrepresented
- Balanced participation between consumers (47%) and small businesses/non-consumers (53%)
- 66% satisfaction rate among survey respondents

The service supports the court's duty under the Simple Procedure Rules to ensure that unrepresented parties are not unfairly disadvantaged.

Other jurisdictions across the world effectively use mediation as an option in their justice systems and have integrated into their systems it's time Scotland followed suit.

What we propose

Peer Mediation Programmes be rolled out across Scotland's schools

Why we propose

In a school climate where there are high levels of conflict, students need the skills to navigate this. Peer Mediation is one of a number of interventions that can help improve school culture by giving students the tools needed to better communicate with their peers and reduce the amount of time teachers are dealing with issues in the classroom.

By giving young people the space and techniques to resolve conflict in a positive way at an early stage, the likelihood of conflict escalation is reduced and relationships among peers benefit as a result. Ultimately, embedding conflict resolution skills within schools equips young people with vital communication techniques that improve relationships, student's mental health and well-being.

Along with this, peer mediation training helps support the development of the Curriculum for Excellence's four capacities within young people to be successful learners, confident individuals, responsible citizens, and effective contributors.

What's the evidence

Our work in Scottish schools has shown that when young people engage with peer mediation, they feel more confident in themselves and their ability to help resolve conflict between themselves and others. Not only does this help young people support their peers and improve relationships within schools, but it also equips them with the tools needed to resolve conflict nonviolently within their families and communities.

In addition to the benefits seen for young people, educators have also expressed the positive impact peer mediation has had on school culture. This was evidenced by a Kinross Secondary teacher when he stated, 'The (peer mediation) training itself was excellent, and I could see clearly the skills that were being developed in our young people. Not only did they build skills that they can take with them for the rest of their lives, they also really enjoyed it and are so enthusiastic about Peer Mediation.'

We have since offered Peer Mediation support in school to help resolve any conflicts and this has had a positive impact on relationships in the school.'

Finally, research shows that when young people do not have the tools to resolve conflict using positive communication techniques, they will often result to violence to sort out issues.

As violence is currently increasing at a worrying rate within Scottish schools, peer mediation is needed now more than ever to give young people the tools and space to express their needs and resolve conflict without using force.

By giving young people the chance to engage with peer mediation at an early age, we have the opportunity to improve school culture now and shift how conflict is dealt with in Scotland for many years to come.

What we propose

The government seek to spread the use of mediation not only as a dispute resolution mechanism but also as a way for government.

Why we propose

Mediation holds the key to unlocking the tensions which inhibit the development of people-focussed policies that Scotland needs. Mediation processes built into our public sector procedures will enable the people of Scotland to better engage in effective decision making.

Whether by using the skills of mediation by equipping public servants with the skills to do this or introducing mediators themselves into the debate there are opportunities to better handle areas where sensitivity and listening are key.

This can help opposing interests create agreements about how things should proceed. Using these skills demonstrates a different way of doing this kind of cost-effective business.

This work could be more effective if coordinated at a national level in government so that learning from initiatives could be shared and progress monitored.

At a more local level investment in our communities whether by wider use of community mediation via our councils and by investing in communities' capacity to deal with conflicts would bring dividends.

What's the evidence

From the experience of Denmark and the Netherlands we know that using a mediating approach helps to address inequalities and supports a way of doing things where fewer investigations and public enquiries are required for when things go wrong.

In Scotland the success of initiatives such as the Common Ground Forum addressing issues faced by the Scotland Upland Deer Sector show that different approaches can work.

Investment in Community Based mediation, has shown significant impacts in the research carried out by Herefordshire Mediation. Where people are better able to deal with conflicts it has a positive impact on health freeing up time for health professionals.





Contact us

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