

## **Strathclyde to Host International Mediation Tournament**

### **5-8 April 2017 - Judges Wanted**

If you are interesting in being a Judge at the competition please get in touch with Charlie Irvine at the University through the link at the bottom of the page. An interest, some enthusiasm and a bit of knowledge about mediation is all that's required.

Strathclyde Law School, home to the UK's leading postgraduate programme in mediation and conflict resolution, has been invited to host the 16th annual INADR International Law Student Mediation Tournament. The Tournament will bring law students from all over the world to Glasgow, underlining Strathclyde's growing reputation as a centre of excellence for mediation practice and scholarship.

The Chicago-based International Academy for Dispute Resolution has been sponsoring mediation tournaments since 2002. Participation continues to increase and last year over 50 teams took part. The Glasgow tournament has attracted teams from around the world including Turkey, Poland, India, Ukraine, Lithuania, Russia, Ireland, Greece, Brazil, Canada and the UK as well as over 20 from the USA. The tournament provides law students with the opportunity to learn about mediation and practice their skills in friendly competition. The tournament consists of three rounds followed by semi-finals and a final. Teams compete as co-mediators working on commercial scenarios, with other teams fulfilling the lawyer/client roles.

This year's entry is particularly diverse, thanks in no small part to Glasgow's reputation as the friendly city and easy access to transport hubs. Highlights include a court visit, a city tour and a civic reception and award dinner in the historic City Chambers. The award dinner and ceilidh will be a celebration of excellence, recognising the achievements of the next generation of mediators and mediation advocates.

The 2017 tournament is being sponsored by two law firms, Alexis Hunter Family Law and Dallas McMillan.

<https://www.strath.ac.uk/humanities/lawschool/newsevents/inadrtournamentatuniversityofstrathclydelawschoolapril2017/>

[http://www.inadr.org/event/international-law-school-mediation-tournament/?instance\\_id=92](http://www.inadr.org/event/international-law-school-mediation-tournament/?instance_id=92)



## Giving People a Voice in Complaints

When people complain, there are two primary reasons that they do so; firstly, they want to be heard and secondly, they don't want someone following them to have the same difficulties or issues that they have faced. Yet in most cases one of the most useful tools in resolving complaints, mediation, is not widely used in Scotland.

It was with that in mind that Scottish Mediation held a seminar this month chaired by the Scottish Public Services Ombudsman, Jim Martin, to hear how mediation is successfully being used in complaints and to identify how it could be more widely adopted. We heard from two organisations that successfully use mediation as one of the ways that they attempt to resolve complaints and disputes.

### Organisations Using Mediation in Complaints

At the Scottish Legal Complaints Commission people making complaints about the service lawyers have provided are given the opportunity to try mediation to resolve their complaint. Just under 50% of those offered mediation take up the offer and of those that do there is a 75% resolution rate with 88% of those taking part saying that they would recommend it to others. The SLCC scheme, which has helped to provide earlier resolution of complaints, is free to participants, has been empowering for the parties who have often come up with resolutions that may not have been otherwise possible and effective in allowing people to resolve and move on.



At the University of Dundee Early Dispute Resolution (EDR) has been in place since 2008. There mediation is used widely across the University. EDR's purpose is to assist staff and students in anticipating, avoiding, preventing, and resolving disputes. It has a wider potential impact to culture and communication. It provides an alternative route to formal complaints and grievance processes. The mediators are University Staff and Students who do their work in addition to their formal role with the University and come from a wide range of departments. Since 2008 they have carried out over 200 workplace mediations and in addition they carry out group facilitated discussion and train people in the skills of mediation to help with day to day interactions across the University.



There has been common feedback from both schemes with the wider benefits summarised as early resolution, allowing complainers and practitioners to "clear the air", producing mutually satisfactory outcomes, leaving both parties with less ill will towards each other and it can rescue the relationships.

What do we need to do better?

One of the challenges for mediation is how learning can be captured with confidenti-

## Complaints and Mediation cont'd

ality in place. There is scope to make learning a key part of mediation outcomes (discussed with the parties) as for many complainants the key motivation is for the same not to happen to those that subsequently use the service being complained about. There is also scope for such learning to be anonymised in the same way that current cases are by the Ombudsman.

So how would mediation fit in a complaints environment?

The discussion highlighted that efforts by people such as the SPSO are right to focus on frontline resolution. That means resolution within a period such as 72 hours, dealt with by staff close to the issue. To get better at that those staff need to be empowered to act to resolve and to have the skills in which to listen, reflect and resolve. For some organisations that may require a change in culture and certainly spreading the skills of mediating would support such a culture change.

Should resolution not be possible at this early stage mediation should be available and consideration encouraged. For organisations, there is the question of how they might access mediation and there are a range of options that could be considered. The SLCC have their own panel of mediators whose work is organised by a mediation co-ordinator, some public service organisations share workplace mediators, mediators can be employed in-house and for smaller organisations access to mediations can be facilitated through organisations such as Scottish Mediation who hold a register of mediators.

Moving forward

Scottish Mediation's view is that for more organisations to use mediation to help resolve complaints encouragement and support from organisations such as Scottish Government would help. A key driver will also be organisations being aware of the benefits of such a change and the positive culture that such an approach could support. Organisations that are proficient in listening and responding to customers tend to be those that are successful. Using mediation as one of the tools of everyday work can play a key part in that.

## Courts and ADR

Jane Fender Alison

### Commercial Court in Scotland Increases Emphasis on ADR

The Court of Session has issued new requirements for commercial actions, taking effect from 27 March 2017. The requirements highlight a change in emphasis for alternative dispute resolution, including specific provisions requiring parties to consider ADR at an early stage, advise the court on the steps taken to achieve settlement and in most cases to attend a joint meeting. Read more [here](#).

# CPD and Events

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### CPD – Reframing in Mediation

Tue 25th April – Edinburgh, 10.00am – 1.00pm  
 Tue 2nd May – Glasgow, 1.00pm – 4.00pm  
 10th May – Aberdeen, 1.00pm – 4.00pm

This 3 hour CPD session facilitated by Sarah Welsh will help participants to understand reframing, identify how to reframe, practice reframing and reflect on practice.

The session will focus on

- Introduction to reframing.
- Why we use it.
- What are the benefits of reframing?
- When not to use it.
- Skills Practice

To book a place and for further details

<https://www.eventbrite.co.uk/e/reframing-tickets-32112439170?aff=es2>

### RICS Mock Mediation Workshop, supported by Young Mediators' Group Wednesday 10 May 2017, Edinburgh

Join us for this fun, practical "speed mediation" workshop and networking event in collaboration with Young Mediators' Group.

You will have the chance to participate as mediator (if you wish) on a timed basis, picking up from where the last mediator left off, and to watch others in action. A mediation scenario will be circulated prior to the event, and you will be invited to take turns acting as mediator in a 'goldfish bowl' style setting. This learning environment will allow you to acquire good practice from others, and to contribute and receive feedback on how the mediation is progressing.

A fantastic way to gain new skills, network with other mediators, and build up your mediation practice. There is no obligation to participate; observation can be a great learning tool.

Open yourself up to co-mediator opportunities through networking with like-minded mediators – join us before the workshop for a drink or two and chat to someone you haven't met before; who knows where it might take you.

Spaces are limited - early bird booking for YMG members is available by emailing [fiona.cameron@gillespiemacandrew.co.uk](mailto:fiona.cameron@gillespiemacandrew.co.uk) to reserve a place

### Autumn CPD – Dates for Your Diary

Tue 3rd October – Edinburgh, 10.00am – 1.00pm  
 Tue 10th October – Glasgow, 1.00pm – 4.00pm  
 Thu 12th October – Aberdeen, 1.00pm – 4.00pm

### Workplace Conversion Course

Monday 11th & Tuesday 12th December – Edinburgh, 9.00am – 5.00pm

This practical two day course (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.