

Course Prospectus

Mediation Skills Training and Mediator Assessment

Module 1: Dealing with Differences
and Disputes Using Mediation

Monday 12 to Thursday 15 November 2007

CPD: 28 hours minimum

Assessment Module (optional)

Wednesday 5 to Friday 7 December 2007

CPD: 20 hours

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Mediation Skills Training and Mediator Assessment 2007

Venue: Central Edinburgh

There has been a remarkable growth in the use of mediation around the world. In the past few years, there has been a significant increase in mediation in the commercial, public and professional services sectors and in the workplace, organisations and elsewhere.

This is an opportunity for you to be part of a significant change in the way we manage and resolve differences, conflicts and disputes – and to enhance your portfolio of skills.

Places are now available on Core's next mediation training course which will be led by our internationally recognised team of coaches, drawn from throughout the UK.

Who should attend?

Decision-makers, business leaders, professional advisers, managers, executives and those in the private and public sectors with responsibility for managing or resolving differences, disputes and conflict, internally or externally.

"The most motivating and rewarding course I've ever participated in."

Dorothy McKinney - Head of Personnel, Scottish Ambulance Service

In recent courses, participants have come from a variety of backgrounds from throughout the UK, Ireland and Russia:

- local government
- accountancy
- engineering and construction
- the health services
- the legal profession
- human resources
- corporate
- surveying
- architecture
- higher education
- financial services and banking
- housing
- sport
- civil service

We have found that course participants relish the broad personal and professional development which comes from the opportunity to interact with other decision-makers and like-minded individuals from different sectors.

"I met so many interesting people who certainly contributed to making the course an absolute success"

Sandra Gordon - Manager Customer Relations, Royal Bank of Scotland

Why Core?

- specialist coaching in every practical workshop on each day
- high participant : coach ratio
- one to one video feedback
- over 28 hours of high level CPD
- more time to really learn new approaches
- value for money

"No doubt whatsoever about the added value for a busy professional taking seven days out of the diary"

James McNeill, QC

Comments from participants in recent courses

- *"I thought the course was superb - one of the most fulfilling (albeit difficult) experiences I have ever had. it has made me think very differently about what I have been doing for the last 20 years and may even have changed my outlook on life to a significant degree!"*
- *"I don't think that I have left a training workshop feeling so tired but so utterly exhilarated at the same time. I found the entire process fascinating and was delighted to find affirmation of my strengths - something one tends to forget in the business as usual days - as well as clear knowledge and acceptance of my weaknesses and the actions I need to take to address these. I am clearly lucky to have such a good group of people on the course and I have been astonished at how well and how quickly we gelled - not something I am used to in my profession."*
- *"I had to write this. What an exhilarating two days of learning. A great team of instructors, and the delegates who are brilliant people. It is amazing to see confidence growing as new skills emerge. I have never before got to the end of a training day and felt thoroughly disappointed that we had to stop - that says it all."*
- *"Core's training has undoubtedly improved my communication skills and made me slow down and think! And listen! And listen a bit more! The coaching is of the highest quality, carried out in a friendly, professional and highly enjoyable manner..... This is mediation training and much, much more! Looking forward to learning more from [this] superb team of professionals. Highly recommended."*
- *"Without doubt one of the best courses I have ever been on." "I found this to be the most stimulating, challenging and enjoyable course for many years...."*
- *"I would have no hesitation in recommending the course to others, not only as a course on mediation but also one that can teach skills that are useful in business life more generally."*
- *"Thank you for an amazing Mediation Assessment Course, I found it to be a life changing and informing experience. The course design, content and style of delivery was first class. I think your Core Team are very impressive, in their kind and professional manner."*
- *"I have little snap shot moments of different challenges and experiences from which I have learnt a great deal and will remember for a long time to come. I cannot remember ever feeling so nervous and excited with such a feeling of enjoyment, I really hope to be able to find an opportunity to continue to learn and develop the skills of Mediation, not just for myself but for all walks of society."*

The Goal

".....I cannot thank you enough for all your help and guidance throughout the mediation. What a great feeling it was, following the meeting with the other side, to know that it was finally over. Simple things like not being scared to answer the phone or dread looking at the morning mail are gifts – For the first time in six years I can look forward instead of backwards. All the energy can now be channelled into positive things like building the new business..... There is absolutely no doubt in my mind that we would not be where we are today if you hadn't helped us all through the process – mediation was the key to making both parties face reality and focus on an outcome that could let us all put the past behind."

"The case that we mediated had been outstanding for 7 years. At the outset the parties were about £250,000 apart. This was not a straight forward case. Traditional methods of negotiation had failed. The next stop was the court room.

We agreed to try something different - mediation. It worked! But why?.....

The mediator acted as a voice of reason and when needed poured oil on waters - and sometimes that was needed. The value of this independent voice of reason can not and should not be under estimated."



Mediation Skills Training and Mediator Assessment 2007

Module 1

Dealing with Differences and Disputes Using Mediation

For those who wish to:

- Explore collaborative approaches to managing and resolving conflict, disputes and other internal and external situations where differences occur.
- Develop their skills in managing differences, using effective communication, negotiation and other approaches to help find creative solutions for clients, employees, parties and others involved in business, the workplace, contracts and litigation.
- Learn about the mediation process and when and how to use mediation skills in the range of options for management and resolution of disputes.
- Advise others on the use of mediation as an option to manage conflict and resolve disputes, and respond knowledgeably to other parties who suggest using mediation.
- Train as mediators and practice the fundamental skills and techniques associated with effective mediation in the commercial, public and professional sectors.

This module offers:

- Four days of high quality professional training conducted by experienced trainers of mediators, using seminars, discussion, demonstrations and workshops with role play exercises. A speciality of this course is the individual coaching throughout, which includes review of performance using video.
- Learning by doing through workshop exercises as the key to effective acquisition of practical skills: each day, every participant will practice skills in a workshop setting, as mediator or as party.
- An understanding of the key underlying communication skills (including questioning, listening and observing), creative problem solving and lateral thinking, negotiation strategies and the techniques and expertise required in different stages of mediation and in managing differences generally.
- Completing this module leads to **Core's Certificate of Attendance at Mediation Training**.

Assessment Module (optional)

For those who wish to:

- Undertake assessment and gain Core Certification as mediators who have achieved basic competence in mediation skills and techniques.

This part of the course offers:

- A further three-day module consisting of a Practice Day and two Assessment Days, successful completion of which will lead to Core's highly valued Certificate of Competence in mediation skills. Assessment will be carried out to a high standard. Successful assessment is usually achieved at the first attempt by over 75% of participants in these courses. An indication will be given on or after the end of day four of areas to work on prior to assessment.

The course fee for Module 1 (4 days) is £1,975 plus VAT. This includes the training days, together with all course papers, lunches and other refreshments. Due to the highly inter-active nature of the course, numbers are limited and places will be offered on a first come, first served basis.

For those who wish to undertake the 3 day Assessment Module, the fee is £1,725 plus VAT.



The Coaching Team

The course will be led by **John Sturrock QC**. John is the Chief Executive of the Core Solutions Group which provides innovative training and coaching to the business, professional and public sector communities in the fields of mediation, negotiation, advocacy, witness presentation and communication. As a trainer and coach, he has delivered courses in the United States, South Africa, England, Ireland, Switzerland, Italy and Holland. He was accredited as a mediator in 1996 and is a lead member of the CEDR Mediator Training Faculty. He is the founder and a Director of Core Mediation, the leading Scottish provider of mediation services in commercial, professional and public sector disputes. John Sturrock mediates regularly in each of these sectors in Scotland and elsewhere and is described in Chambers UK Guide to the Legal Profession as "the foremost mediator in Scotland" and "one of the best teachers of mediation". He was named Specialist of the Year at the inaugural Scottish Legal Awards in February 2003. A practising member of the Scottish Bar from 1986 to 2002, from 1994 to 2002, he was Director of Training and Education at the Faculty of Advocates, with responsibility for designing and delivering the Faculty's award winning and internationally recognised advocacy skills training programme. He is a Visiting Professor at the University of Strathclyde.

John will be joined by other coaches including some or all of the following:

Pamela Lyall was accredited as a mediator in 2000. She is director of mediation services at Core, and is one of Scotland's most experienced mediators, working in a broad spectrum of commercial and other disputes, including professional negligence, property, insurance and senior management. She is also an experienced leader of Core's mediator training courses and manages many of Core's mediations. She was formerly a litigation partner and Head of Insurance Litigation at the law firm of Dundas & Wilson. She has over 18 years experience in private practice, dealing with a broad range of personal injury cases, professional indemnity claims and insurance contract disputes. She qualified as a solicitor-advocate in 1996.

"Very helpful, approachable and patient." "Excellent coach. Incisive and frank advice most helpful."

Heather Allen is a highly experienced mediator, who has had experience since 1995 of resolving disputes in a wide variety of contexts. As an independent facilitator much of her work involves conflict management within organisations and teams. Her dispute resolution experience covers a wide spectrum of industries as well as the public and not-for-profit sectors. She is also an independent conciliator for National Health Service complaints. As head of the CEDR Mediator Training Faculty, she trains, coaches and assesses potential mediators in the UK and internationally. She is also the Editor and a contributor to the CEDR Mediator Training Handbook. During the development of the vocational NVQ qualification in mediation in the UK, she chaired the Mediation Development Group (cross-sector), working over several years with the group on defining and devising ways of assessing mediator competence.

"Heather's coaching was excellent, she explained and demonstrated everything very clearly, making you aspire to imitate her style."



Hugh Donald OBE is Managing Partner in the Scottish legal firm of Shepherd+ Wedderburn. He specialises in medical and professional indemnity matters. He is accredited by the Law Society of Scotland as a specialist in medical negligence. He is a panel solicitor appointed under the Law Society of Scotland Professional Indemnity Scheme to represent solicitors. Hugh has been involved in mediation since the mid 1980's through the work of family mediation in Scotland. He has practised for many years as a mediator, is a Core panel mediator and is Chairman of Family Mediation Scotland. He is accredited as a mediator through Core and has worked with Core on various courses, including conflict management in the workplace.

"Hugh was an excellent coach. His feedback was very helpful and always constructive."

Ronald Bradbeer, a solicitor and litigator, was accredited as a Mediator in 1993 and has been a member of the CEDR Training Faculty since 1998. He has mediation experience in clinical negligence, employment, trusts, housing, professional negligence, engineering, shipping, marketing and sport. Ronald was Managing Partner and subsequently Senior Partner of Wilkinson Maughan, latterly Eversheds, until May 2000 after 8 years in those positions. He was a non-executive member of Northumberland Health Authority, Vice Chairman of its Ethics Committee and Chairman of its Mental Health Act Panel. He set up his own in-house Mediation Training Programme for his firm in 1994 to enable fee-earners to understand mediation and to work effectively with clients at mediation. He is Chairman of Northern Dispute Resolutions Limited. He lectures frequently on ADR to a wide variety of audiences in the UK and Europe. He is a member of the Court of Appeal Mediation Panel.

"Ronald is an excellent coach, his wealth of experience really shows."

Charles Dodson has been involved in mediation development since the mid 1980's and was one of CEDR's original directors. He has acted as a mediator in a broad range of commercial mediations from multi-million pound multi-party disputes to Central London County Court cases. He has been listed as a "Leading Individual" in the mediation section of Chambers since 1997/8. He has been a trainer and assessor on international training courses on a regular basis over the last seven years including in the UK, Switzerland, Italy and Ireland and has run mediation awareness courses for various law firms, the Jersey judiciary and Nestle worldwide in-house legal department. Between 1981 and 1998 Charles Dodson was a partner at the leading UK based international law firm, Lovell White Durrant, now Lovells. He was the resident partner of the New York office between 1985 and 1988, and was joint Managing Partner of the firm between 1991 and 1995. He is a member of Core's International Panel of Mediators.

"Very helpful in helping you relax into the role of mediator and enjoy the process." "First class."

Bill Marsh is one of the most experienced commercial mediators in the UK, having practiced full-time in the field since 1991. He has conducted hundreds of mediations in practically every area of law and business, including many multi-party, international and multi-million pound matters. Bill is ranked by Chambers UK Guide to the Legal Profession among the top 8 commercial mediators in the UK. He is founder and director of Conflict Management International, a leading dispute resolution consulting firm. Bill's experience includes acting as Chairman of the Inter-Governmental Mediation Conference for 15 Central and Eastern European Governments, mediation adviser to the Governments of UK, Russia, Romania, Bulgaria, Slovakia, adviser to the European Commission on the development of mediation in EU, representing the UK at UN negotiations on international mediation law and advising the UK Financial Services Authority on design and implementation of a ground-breaking mediation scheme for regulatory disputes. He is a former executive director of CEDR (1991-2002), a Lead Trainer on CEDR Training Faculty and author of The ADR Practice Guide: Commercial Dispute Resolution.

"One of the greats"



Miryana Nestic is a solicitor, mediator and ADR consultant. She has worked on ADR projects in the UK, Europe, the US, South Africa, India, Japan and Australia. She has a special interest and expertise in designing dispute resolution systems, including court-annexed and corporate mediation schemes and procedures. She is a CEDR mediator and a member of its mediation faculty, and trains lawyers and corporate representatives throughout Europe on dispute resolution techniques. She has mediated a range of civil/commercial disputes, and has co-authored the book, "Mediation: Principles Process Practice", published by Butterworths. Miryana has spoken widely on ADR at conferences in the UK and abroad; was a facilitator on ADR for a series of EU-sponsored programmes throughout the Middle East; and the adviser on ADR issues in e-commerce for a British Council-sponsored programme in China. She is a member of Core's International Panel of Mediators.

"Energetic and enthusiastic, with such broad experience."

Carol Paton is an experienced senior executive and consultant. She was formerly the deputy managing director of a large housing group, advising on regulatory and governance matters, with responsibility for corporate services. She has experience in professional services and workplace mediation. She is a member of Core's panel of mediators and facilitators.

"Confident and reassuring."

Alastair Thornton is a former President of the Law Society of Scotland and law firm partner with 22 years of litigation experience. He is a part-time Sheriff and is a member of Core's panel of mediators and facilitators. His mediation experience includes property, commercial and business disputes.

"Very helpful and knowledgeable about the process."

Mediation Skills Training - Module 1

(this timetable is an indication only: we will vary it to meet the needs of participants)

Monday 12 November

0845	<i>Coffee and Registration</i>
0900	Introduction to the Course <ul style="list-style-type: none"> • Introductions, Personal Assessment and Overview of Conflict Management and Resolution
1030	<i>Refreshment Break</i>
1045	Experiences of Conflict <ul style="list-style-type: none"> • The Effect of Conflict • Reflections on Negotiation • The Gain Game
1230	<i>Lunch</i>
1330	Adding Value to Negotiation The Mediation Process <ul style="list-style-type: none"> • The Different Stages • Preparation for Mediation • Demonstration of Opening and Exploration Stages Effective Communication Skills for Negotiators and Mediators <ul style="list-style-type: none"> • The Importance of What We Say, How We Say It and How We Behave • Building Rapport • Questioning, Listening and Observing
1515	<i>Refreshment Break</i>
1530	The Mediation Process (continued): Workshop Effective Communication Exercises <ul style="list-style-type: none"> • Demonstration of Negotiation / Options and Decision Stages
1745	<i>Close</i>

Tuesday 13 November

0845	<i>Coffee</i>
0900	Effective Mediation: <ul style="list-style-type: none"> • Debrief on Day One • Key Skills and Qualities of the Mediator
0950	Workshop 1: The Opening Stage: Reddale College (<i>roles will be allocated and papers handed out on the first day</i>)
1100	<i>Refreshment Break and Plenary Debrief</i>
1110	Workshop 2: The Opening Stage: The Architectural Creation Partnership (<i>as Workshop 1</i>)
1220	Plenary Debrief
1230	<i>Lunch</i>
1315	Plenary Session <ul style="list-style-type: none"> • Joint and Private Meetings: Pros and Cons • Confidentiality and Authority • Mediator Ethics
1400	Workshop 3: The Exploration Stage: Reddale College (<i>roles will be allocated and papers handed out on the first day</i>)
1500	<i>Refreshment Break and Plenary Debrief</i>
1510	Workshop 4: The Exploration Stage: The Architectural Creation Partnership (<i>as Workshop 3</i>)
1610	Plenary Debrief The Negotiation / Options Stage and Strategies <ul style="list-style-type: none"> • Demonstration and Discussion • Modes and Phases • Tasking • Living with Uncertainty
1700	<i>Close</i>

Mediation Skills Training - Module 1

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Wednesday 14 November

- 0845 *Coffee*
- 0900 **Reflection on Days One and Two**
- 0920 **The Negotiation / Options Stage and Strategies**
- Use of Flip Charts and other Visual Aids
 - BATNAS and WATNAS
 - Options and Offers
 - Testing Reality and Breaking Deadlock
 - Finding Creative Solutions – and Managing Risk
- 1015 **Workshop 1:** The Negotiation / Options Stage: Grimm v CDA
- 1105 Debrief in Groups
- 1110 *Refreshment Break*
- 1120 **Workshop 1 (continued)** - Mediator 2 to take over at this stage
- 1210 Debrief in Groups
- 1215 Plenary Debrief and discussion
- 1230 *Lunch*
- 1315 **Plenary Session**
- 1345 **Workshop 2:** The Negotiation Stage: Stone Dwellings v Longshanks
- 1435 Debrief in Groups
- 1440 **Workshop 2 (continued)** - Mediator 2 to take over at this stage
- 1530 Debrief in Groups
- 1535 *Refreshment Break*
- 1545 **The Decision-Making Stage:**
- Discussion and Demonstration/Video
 - Crafting and Drafting Agreements
 - Post Mediation Follow Up
- 1645 **Plenary Discussion and Issues Board**
- Making the Best Use of Time
 - When Mediation does not produce a Resolution
 - Challenges to the Mediator
 - Proceeds of Crime and Freedom of Information
- 1715 *Close*

Thursday 15 November

- 0845 *Coffee*
- 0900 **Plenary Discussion and Workshop**
- The Ten Most Common Mistakes of the Mediator
 - Understanding the Other Side
 - Perception and Reality
 - Dealing with Emotion
 - The Role of Legal and other Advisors
 - Joint Meetings with Experts and Parties
- 1010 **Workshop 1:** *Mediation Case Study:* East Mayfield Council / Maguire v Dr Giles
- 1050 *Refreshment Break* and one to one debrief followed by Video Review for Mediator 1 (in workshop room)
- 1120 **Workshop 1 (continued)** - Mediator 2 to take over at this stage
- 1200 One to one debrief followed by Video Review for Mediator 2 (in workshop room)
- 1225 Plenary Debrief
- 1230 *Lunch*
- 1315 **Plenary Discussion and Workshop**
- Reframing
 - Use of Jargon
- 1400 **Workshop 2:** *Mediation Case Study:* The WindowMax Partnership / Cowers & 3WP
- 1440 *Refreshment Break* and one to one debrief followed by Video Review for Mediator 1 (in workshop room)
- 1510 **Workshop 2 (continued)** - Mediator 2 to take over at this stage
- 1550 One to one debrief followed by Video Review for Mediator 2 (in workshop room)
- 1615 **Plenary Debrief**
- Mediator's Code of Conduct
 - Preview of Assessment Stage
- 1700 *Close*



Mediation Skills Training Assessment Module

(this timetable is an indication only: we will vary it to meet the needs of participants)

Practice Day – Wednesday 5 December

0845	<i>Coffee</i>
0900	Group Discussion <ul style="list-style-type: none"> • Preparation for the Mediator
0920	Workshop 1: role play
1045	<i>Refreshment Break and Discussion</i>
1115	Workshop 2: role play
1240	Discussion
1255	<i>Lunch</i>
1335	Workshop 3: role play
1500	<i>Refreshment Break and Discussion</i>
1530	Workshop 4: role play
1655	Group Discussion and Preview of Assessment Days
1700	<i>Close and Individual Private Debriefs (optional)</i>

Assessment Days – Thursday 6 and Friday 7 December

0845	<i>Coffee</i>
0900	Assessment 1
1020	<i>Refreshment Break and Private Review for Mediator with Assessor</i>
1045	Assessment 2
1205	Private Review for Mediator with Assessor and Plenary Session
1230	<i>Lunch and Preparation</i>
1330	Assessment 3
1450	<i>Refreshment Break and Private Review for Mediator with Assessor</i>
1515	Assessment 4
1635	Private Review for Mediator with Assessor Wrap-up Plenary Session
1715	<i>Close</i>



Mediation Skills Training and Mediator Assessment

Assessment Criteria for Mediator Training

Overall Approach

When assessing your performance in the assessment days, the assessors will have regard to assessment criteria:

- 1 the **manner** in which you establish and maintain rapport with the parties;
- 2 the **key skills** which you will be expected to use throughout a mediation; and
- 3 the particular techniques which you will be expected to demonstrate in your **management** of the mediation at different stages.

The criteria are listed in full in the following pages. You might not be able to demonstrate all of the skills and techniques in your two assessed performances, especially those used towards the end stages as time may not enable you to get that far. The assessment procedure takes account of situations where there has been insufficient opportunity to demonstrate a skill or technique. We have asterisked those elements which are particularly important.

In each category (**manner, skills, management**), the assessors will mark according to the following standards:

Excellent

Competent

Not Competent

You will be assessed on one occasion each day. Over the two days, you will be expected to show competence or excellence in each of the 3 categories in at least one of your two performances. Subject to the written assignments mentioned below, you will achieve assessments of "competent" or "excellent" out of the total of 6 categories on which you will be assessed. In addition, the assessors will use numerical scoring (0-10) to check the marking in each of the 6 categories. Each candidate is expected to achieve at least 38 points overall.

You will be assessed on the pre-mediation and post-mediation stages by short written assignments to be completed within three weeks of the assessment days. Instructions for this will follow.

If you have any concerns or complaints about our assessment procedures, please contact John Sturrock or Pamela Lyall. We undertake to address your concerns as soon as we reasonably can and to discuss with you any issues which you wish to raise. If it is not possible to resolve matters by discussion, we undertake to engage an independent mediator to help to address matters and to explore the most appropriate way to achieve a solution.