

Mediation and Conflict Management Skills Training and Mediator Assessment 2008

Course Prospectus

**Module 1: Dealing with Differences
and Disputes Using Mediation Skills**

Wednesday 17 September to Friday 19 September 2008

and

Thursday 2 October and Friday 3 October 2008

CPD: approx 40 hours

Module 2: Assessment (optional)

Thursday 20 November and Friday 21 November 2008

CPD: approx 20 hours

(optional Practice Day Wednesday 19 November 2008)

Venue: Central Edinburgh

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Why Mediation and Conflict Management Skills?

In the past several years, there has been a significant increase in the use of mediation in the commercial, public and professional services sectors and in the workplace, organisations and elsewhere. Mediation is being used formally and informally; the skills of mediation can be applied in many situations.

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, Switzerland 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
- high participant : coach ratio
- one to one video feedback
- over 40 hours of high level CPD
- more time to 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

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."



Module 1: Dealing with Differences and Disputes Using Mediation Skills

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:

- Five 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 and personal reflection throughout, including 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**.

Module 2: Assessment (optional)

For those who wish to:

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

This part of the course offers:

- A further two-day module consisting of 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 during and at the end of Module 1 of areas to work on prior to assessment.

The course fee for Module 1 (5 days) is £2475.00 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 Assessment Module (2 days), the fee is £1475.00 plus VAT.

**Early Bird discount available to those who sign up and pay before 31 May 2008:
Module 1 £2295.00 plus VAT; both Modules £3650.00 plus VAT.**

Note: Sometimes, participants welcome extra practice before the Assessment Module. We will offer an optional **Practice Day** on Wednesday 19 November. Those who wish to choose this option may decide to do so at any time up to the end of Module 1. The fee will be £495 plus VAT.



The Coaching Team

The course will be led by **John Sturrock QC**. John is the founder and Chief Executive of the Core Solutions Group which provides innovative training and coaching to the business, professional and public sectors 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 member of the CEDR Mediator Training Faculty. John Sturrock mediates regularly in each of these sectors in Scotland and elsewhere and has been described in Chambers UK Guide to the Legal Profession as "*the foremost mediator in Scotland*" and "*one of the best teachers of mediation*". Legal 500 describes John as "*universally regarded as Scotland's finest mediator, with a reputation which compares favourably with mediators anywhere.*" 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 Nesic 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."

Elizabeth Rivers was a commercial litigation lawyer with Eversheds in London for 10 years. One of the first in the UK to become an accredited mediator, she has been mediating for 14 years, specialising in organisational and employment disputes. She has also worked on environmental and sustainability issues, and is part of a network which is looking at the radical redesign of environmental law. Her current focus is on using advanced creativity techniques to address the challenge of creating a truly sustainable society.

"a wide variety of experience with a great depth of skill , very supportive and provided good feedback"

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."

Programme - Module 1

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

Wednesday 17 September

| | |
|------|--|
| 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"> • Causes, Symptoms and Effects of Conflict • Reflections on Negotiation • The Gain Game |
| 1230 | <i>Lunch</i> |
| 1330 | Adding Value to Negotiation <p>The Mediation Process</p> <ul style="list-style-type: none"> • The Different Stages and Shape of Mediation • Preparation for Mediation: Summaries and Risk Analysis • Demonstration of Opening and Exploration Stages |
| 1515 | <i>Refreshment Break</i> |
| 1530 | The Mediation Process (continued): <p>Effective Communication Skills for Negotiators and Mediators</p> <ul style="list-style-type: none"> • Building Rapport • The Importance of What We Say, How We Say It and How We Behave • Listening, Questioning and Observing <p>Workshop Effective Communication Exercises</p> |
| 1730 | <i>Close</i> |

Thursday 18 September

| | |
|------|---|
| 0845 | <i>Coffee</i> |
| 0900 | Effective Mediation: <ul style="list-style-type: none"> • Debrief on Day One • Key Skills and Qualities of the Mediator • Mediation Preparation |
| 0930 | Workshop 1: The Opening Stage: Reddale College (<i>roles will be allocated and papers handed out on the first day</i>) |
| 1040 | <i>Refreshment Break</i> and Plenary Debrief |
| 1100 | Workshop 2: The Opening Stage: The Architectural Creation Partnership (<i>as Workshop 1</i>) |
| 1210 | Plenary Session Listening Exercise |
| 1230 | <i>Lunch</i> |
| 1315 | Plenary Session <ul style="list-style-type: none"> • Joint and Private Meetings: Pros and Cons • Confidentiality and Authority • Questioning and Summarising Skills |
| 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</i> and Plenary Debrief |
| 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 of Negotiation / Options Stage • Modes and Phases • Tasking • Living with Uncertainty |
| 1700 | <i>Close</i> |

Programme - Module 1

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

Friday 19 September

- 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
 - Finding Creative Solutions – and Managing Risk
- 1015 **Workshop 1: The Negotiation / Options Stage:**
Grimm and CDA
- 1105 Debrief in Groups
- 1115 *Refreshment Break*
- 1125 **Workshop 1 (continued)** - Mediator 2 to take over at this stage
- 1215 Debrief in Groups
- 1230 *Lunch*
- 1315 **Plenary Session**
- Demonstration: Breaking Deadlock
 - Challenges to the Mediator
 - Making the Best Use of Time
- 1345 **Workshop 2: The Negotiation/Options Stage:**
Stone Dwellings and 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
 - Crafting, Advising on and Drafting Agreements
 - Post Mediation Follow Up
- 1645 **Plenary Discussion and Issues Board**
- When Mediation does not produce a Resolution
 - Proceeds of Crime and Freedom of Information
- 1710 *Close and Glass of Wine*

Programme - Module 1

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

Thursday 2 October 2008

- 0845 Coffee
- 0900 **Plenary Discussion and Workshop**
- Reflection on Days One to Three
 - The Ten Most Common Mistakes of the Mediator
 - Dealing with Emotion
 - Working with Apparently Difficult People
 - The Role of Legal and other Advisors
 - Meetings with Experts and Parties
- 1010 **Workshop 1: Mediation Case Study:** Maguire and 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)
- (*timetable may vary to accommodate 3 mediators in this case study)
(please work on Personal Development Plans when colleagues are in Video Review)*
- 1230 *Lunch*
- 1315 **Plenary Discussion and Workshop**
- Reframing
 - Use of Jargon
 - Mediator Ethics and Code of Conduct: outstanding issues
- 1400 **Workshop 2: Mediation Case Study:** Maguire and Dr Giles
- 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**
- What have we learned so far? Personal Development Plans
 - Outstanding Issues
- 1700 *Close*

Friday, 3 October 2008

- 0845 Coffee
- 0900 **Plenary Discussion and Workshop**
- Understanding the Other Side
 - Perception and Reality
 - The Mediator as Coach
 - Mediating in Organisations
 - Decision Trees and Risk Assessment
 - The Role of NLP
 - Video clips
- 1030 **Workshop 1: Mediation Case Study:** Cowers and 3WP
- 1115 *Refreshment Break* and one to one debrief
- 1130 **Workshop 1 (continued)** - Mediator 2 to take over at this stage
- 1215 One to one Debrief and Personal Development Plans
- 1230 *Lunch*
- 1315 **Plenary Discussion and Workshop**
- Outstanding Issues
- 1400 **Workshop 2: Mediation Case Study:** Cowers and 3WP
- 1445 *Refreshment Break* and one to one debrief
- 1500 **Workshop 2 (continued)** - Mediator 2 to take over at this stage
- 1545 One to One Debrief and Personal Development Plans
- 1600 **Plenary Debrief**
- Preview of Assessment Stage
 - Presentation of Core Certificates
- 1630 *Close and Glass of Wine*



Optional Assessment Module

(with optional Practice Day on Wednesday 19 November)

Thursday 20 November

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| 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> |

Friday 21 November

| | |
|------|--|
| 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> |



Mediator Assessment Module

Assessment Criteria for Mediator Training

Overall Approach

When assessing your performance on the two assessment days, assessors will have regard to the following guideline criteria, which outline the way in which you:

1. create and maintain an effective framework for mediation;
2. establish and maintain rapport and build effective working relationships; and
3. maintain momentum and appropriate focus on the outcome.

These will be listed in more detail in the course papers. You may not be able to demonstrate all of the skills and techniques in your two assessed performances. The assessment procedure takes account of situations where there has been insufficient opportunity to demonstrate a skill or technique. The assessors will be looking for an overall display of competence.

In each of the three categories above, the assessors will mark according to the following standards:

1. **excellent**
2. **competent**
3. **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 certification as competent in mediation skills if, over the two days, you achieve at least 5 assessments of "competent" or "excellent" out of the total of 6 categories in 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 mediation preparation and post-mediation stages by short written assignments to be completed within three weeks of the assessment days. Instructions for this will be issued at or before the assessment stage.