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Issue 16

Mediation Matters!

The quarterly newsletter of the
University of Strathclyde Mediation Clinic

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Editor: **Patrick Scott**

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Mediation Clinic
at University of Strathclyde

Editorial



Patrick Scott

Summer issues of the newsletter are a bit more challenging with regard to the sourcing of articles, due to potential contributors being away, or enjoying doing summer 'things' and less inclined to be writing articles for newsletters. Having said that, I am pleased to say that we have a good lineup of contributions, and my thanks go to those who have taken the time to provide us with that content. In my last Editorial, I mentioned a friend in South Africa who described herself as a pluviophile, and living in an area where drought is never far off, she did dances outside when it started to rain. She sadly passed away a couple of months ago. Life is short and we should make the most of the time that we have. If we can spend some of that time helping others to resolve their disputes, I believe that we are spending our time well.

In ***From the Director...***, Charlie Irvine discusses the benefits and challenges of private sessions in a mediation. Mediators have different styles, some being more inclined to use private sessions than others. I am in the former category, and I think that we should be sensitive to the potential issues that private sessions can create, if not managed properly.

Reflection is an important component of mediation practice in the Clinic. And reflections are done on a template form and are often governed by time pressures. Sharon O'Loan provides some interesting insight into the benefit of reflections and the barriers to effective reflection. One of these is the restriction on time and another is the risk that reflection becomes formulaic.

Mediation can be a useful process in resolving issues in many different types of matters. Frances Stephenson provides an interesting insight into elder mediation. What problems are faced by older people and how can mediation alleviate those problems? Frances, as a co-founder of *Later Life Mediation*, describes the work that they do with parties to bring peace of mind and strengthen relationships at a very precious time in the lives of the older person and their families.

Ben Cramer interviews Paul Kahawatte, a mediator who works with people who are involved in organisations or projects that are working to try to improve society or address challenges that we face, such as community groups, unions or small NGOs. Paul discusses how he approaches conflict by addressing both the individual personal level, and the interpersonal level.

Being able to connect with parties is an essential attribute in a mediator. Gordon Murray discusses this from the perspective of building up trust

with the parties and of some of the challenges that mediators face in this regard.

Raheena Lalani Dahya, from Toronto, Canada, did a presentation entitled *Introducing a Framework for Trauma-Informed Mediation* at the International Mediation Clinic Network's *Online Global Mediation Clinics Conference (Part 2)* on the 25th of February 2026. The content of the presentation is included in her article.

Cordelia Gayfer discusses her Master's dissertation which she recently completed at the University of Strathclyde. Her dissertation explores the manner in which mediators address power imbalances, particularly in Simple Procedure mediations. She discusses her research methods, including empirical research, and the various challenges that she faced in writing her dissertation.

In ***From the Chair***, Sneha Bonomally reflects on what the Mediation Clinic has done for her in her personal journey of mediation. I can identify with many of those benefits, having undertaken the same journey some years ago. I ponder the concept of time-restricted mediation in ***Patrick's Ponderings***. How does this affect the mediation process? Is this a positive or a negative in a mediation process? And how should this be dealt with by a mediator?

In ***Mediation Mulligans***, Alan Jeffrey describes his unusual experience of conducting an entire mediation via an exchange of emails. Sometimes one manages to resolve a matter through emails but in situations where a respondent seeks clarifying information from a claimant, the information is obtained and the matter settles. However, in Alan's mediation, it appears that the conflict had been ongoing for some time and he was not simply acting as a conduit for an email exchange but applying core principles of mediation to the process.

And, finally, we have a short note on a recent ministerial visit to Strathclyde Mediation Clinic by the Scottish Minister for Victims and Community Safety, Kirsten Oswald.

My thanks once again to Adrienne, our assistant editor, for all her hard work in helping to compile this newsletter. I hope that you enjoy this issue.

Patrick Scott
Editor

From the Director.....



Charlie Irvine

caucus (noun): (a meeting of) a small group of people in a political party or organization who have a lot of influence, or who have similar interests.

caucus (verb): in the US, to attend a meeting of a local political party or group, especially in order to decide which candidate to support in an election.¹

Before the turn of the millennium, I only ever heard the word caucus during American presidential elections, when we briefly turned our attention to the famously chilly *Iowa Caucus*. Being the first state to select its candidates gives Iowa a certain cachet as the place where campaigns are supercharged or abandoned in the mid-Western snow.

It was only when I trained in commercial mediation that I stumbled on a more specialist use of the term. Even UK mediators would talk about “caucusing” with parties; in other words, holding private discussions or private sessions. Such was their pervasive use that commercial mediators would ensure a minimum of three rooms (one for each party and their advisors, plus one for the mediators). During the pandemic Zoom’s user-friendly technology gave us *breakout rooms*. Some

mediations take place entirely via *shuttle mediation* (caucus only). One Clinic client recently spoke of “proximity talks;” another referred to “a sidebar.”

Whatever the terminology, I’ve noticed how pervasive these private conversations have become and yet, at the same time, how much their use varies between mediators. I’ll set out some of their benefits before turning to the downsides that, as Clinic Director, I’m beginning to notice.

Benefits

Thinking time

At its simplest, a private session lets someone pause and reflect on how things are going. Some individuals process information more slowly than others; an undistracted moment to reflect can help counter any unfairness that creates. And if they have a supporter or advisor, they can talk things through before responding.

Negotiations within negotiations

In higher value disputes the parties often bring legal and other advisors; many of them see private sessions as essential for discussion within the team.

Confidential conversations with the mediator

Though many mediators prefer to keep everyone together (*the joint session*) it has this implication: anything one party says is heard by the other. That’s usually helpful (see below), but it does prevent mediators from learning about things parties would rather not reveal to the other. I once paused a family mediation to ask a woman how it was going; despite having said she felt ready to speak to

¹ Cambridge Dictionary (online): <https://dictionary.cambridge.org/dictionary/english/caucus> Accessed 3/7/26

her former partner, she confided that she was terrified and could only think about appeasing him. This is less common in small claims, but mediators may still want to offer people the chance to say privately what they may not choose to say publicly.

Conveying financial offers

Commercial and court-referred mediations often reach an “endgame,”² when parties exchange offers and mediators cross their fingers, hoping the gap between them can be bridged. Private sessions have a particular purpose here: to pass on an offer, let it sink in, and invite a counter-offer. At their best they help people save face, avoiding snap rejection and giving them time to reflect. Many of us have seen the power of this form of shuttle negotiation in painstakingly crafting a resolution.

Downsides

Having said all this, I’ve started noticing some persistent problems with private sessions. Like all mediator moves, they need to be used purposefully. It’s wise to ask ourselves each time we propose a private session or breakout what we hope to achieve with it. Only if the potential benefits outweigh the drawbacks should we go ahead with it.

Perception of mediator partiality

As soon as the parties stop hearing each other directly the mediator becomes, in effect, the only source of communication. That makes us more powerful. Any information passing from one party to another is carried (in effect mediated) by the mediator. While most of us are capable of conveying numbers and even

ideas reasonably faithfully, when it comes to tone, or bearing or, hardest of all, emotions, we are treading on delicate ground. For example, if one party says, “I genuinely regret what happened” and asks the mediator to pass this on, the other party may hear the word “genuine” as an endorsement by the mediators. We do well to exercise great caution over how, and even whether, to convey that sort of information.

While most of us are capable of conveying numbers and even ideas reasonably faithfully, when it comes to tone, or bearing or, hardest of all, emotions, we are treading on delicate ground.

A related issue is the time the mediator spends with the other party. As soon as they move into private sessions mediators are holding invisible talks behind closed doors, and parties don’t need to be terribly paranoid to start worrying about what’s being said. During practice skills classes students often comment on how achingly long private sessions with the other party seem. They find themselves wondering if their ‘adversary’ has managed to convince the mediator of their rightness. And that’s in a ten-minute breakout. In live cases it’s not uncommon for mediators to spend as much as half an hour with one party. A simple tip is to set a timer for each breakout and let it beep loudly at the end of the allotted time – for the benefit of mediator and party – thus ensuring equal time with each. If more time is required for a specific purpose, go back to the other party and explain why.

² Charlie Irvine (2021) “Practical Tips for Mediators: Parties Who Take Cold Feet” <https://legalblogs.wolterskluwer.com/mediation-blog/practical-tips-for-mediators-parties-who-take-cold-feet/>; See also Katherine Miller (2020) “Endgame Questions and Issues” [Endgame Questions and Issues — The Center for Understanding in Conflict](#)

Pace

With the best will in the world private sessions slow things down. Joint sessions are much more efficient at ensuring people hear and understand what the other party is saying. As long as the atmosphere is reasonably calm, it's possible to cover a great deal of ground. Once in private sessions, any significant new data needs to be passed on, or the other party is operating in the dark. This requires consent as well as great care; all hard to do quickly. Shuttle mediations can take many hours and it's possible for parties to lose motivation when they see little evidence of progress.

Going backwards

This is the key reason why I'm using fewer and shorter private sessions in my own practice. I've noticed a pattern: the longer people spend on their own, or in the company of their supporters and the (nice) mediator, the more they start to become entrenched. It's as if the absence of the one person who most profoundly disagrees with them reduces their motivation to budge. They're no longer hearing the other side of the argument, nor witnessing how little difference their own arguments make. They reinforce themselves in their perception of the other as powerful and unreasonable, and any fresh offers or even concessions are interpreted through that uncharitable lens.

Some might point out that I'm ignoring the possibility of the mediator conveying the other party's perspective. I'm going to suggest that this is both unattainable and risky.

Unattainable because although we can pass on words, we'll never know the full backstory and so can't respond as they would to any challenge or comeback. And risky because the harder we work to be faithful to that perspective, the more likely we are to fall into

the trap named above – appearing to be partial. The very small number of complaints the Mediation Clinic has received all involve one party seeing a mediator's behaviour as supporting or endorsing the other party's position.

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Disappointment

To illustrate one final drawback of private sessions, I'll go back to what was, from memory, the first complaint the Clinic ever received. I was particularly puzzled because it followed a successful mediation where this person had ended up with exactly the settlement he had hoped for. When I spoke to him, however, he expressed great frustration that the mediator had whisked them into private rooms immediately after their initial remarks. This dispute involved estranged siblings, and he was dismayed that he and the others had never had the chance to speak directly about the rift affecting them all. The mediator may well have chosen shuttle mediation to avoid a potentially emotional encounter, but financial settlement wasn't the only thing on this chap's mind. He wanted human interaction.

Conclusion

I hope I've offered a balanced look at *caucuses*. I use them and recognise their value. At the same time, I have a growing sense of their unhelpful potential, and that's pushing me to

be more sparing with them. I share these thoughts as a kind of plea to all of us to keep both pluses and minuses in our minds when we suggest private sessions. I also hope it reminds us of the very great care we need to take over things like timing and confidentiality, and in making their purpose clear to all involved (starting with ourselves).

Charlie Irvine

Director, Mediation Clinic

Dr Charlie Irvine is the Course Leader on the University of Strathclyde's MSc/LLM in Mediation and Conflict Resolution, and Director of Strathclyde Mediation Clinic. He is an experienced mediator specialising in organisational and workplace disputes. Charlie's academic work focuses on mediation in the justice system, and he was awarded his Doctorate for his PhD research into mediation participants and their reasons for settling.



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The Reflective Mediator: From experience to personal theory of practice³

by Sharon O'Loan



Sharon O'Loan

Introduction

Mediation requires the capacity to work with volatile interpersonal dynamics, align competing narratives, manage emotion, and adapt theoretical models to complex and unpredictable realities. In such environments, intentional, systematic reflective practice is widely regarded as essential. It offers a means of converting experience into learning: enabling mediators to examine their decisions, test assumptions, consider the effects of their interventions and refine their future practice. Over time, this process can contribute to the development of a personal theory of practice – a living framework of values, knowledge, judgment and experience that helps a mediator understand not only what they do, but why they do it.

Despite its apparent relevance, reflective practice remains inconsistently embedded in

mediation training and professional development. Almengor observes that it “is not the norm within mediation practice and training, and many mediators are inaccurately, or not at all, familiar with it.”⁴ Its potential is considerable, but so are the risks of superficiality, compliance and untested introspection.

This article draws on a qualitative study of mediators working within Strathclyde Mediation Clinic. The study analysed 52 post-mediation reflection forms and four semi-structured interviews with mediators at different stages of development. Although its findings are not generalisable, they provide insight into how practitioners understand reflection, how they connect theory and experience, and the organisational conditions that support meaningful reflective practice.

What is reflective practice?

A universally accepted definition of reflective practice remains elusive. Collin, Karsenti and Komis describe the concept as “ambiguous and contentious,”⁵ while Rodgers warns that without clarity about what reflection looks like, “it has lost its ability to be seen and therefore has begun to lose its value,”⁶ arguing that this is not merely a matter of academic neatness but is a practical necessity.

³ This article draws on ‘Reflective Practice in Mediation: A Qualitative Study of Mediator Narratives and the Development of a Theory of Practice’ (LLM Dissertation 2025). The author wishes to thank everyone who generously contributed ideas, insights, time and valuable guidance.

⁴ Rochelle Arms Almengor, ‘Reflective Practice and Mediator Learning: A Current Review’ (2018) Conflict Resolution Quarterly 36 1, 21.

⁵ Simon Collin, et al. ‘Reflective Practice in Initial Teacher Training: Critiques and Perspectives’ (2013) Reflective Practice 14 1 104, 104.

⁶ Carol Rodgers, ‘Defining Reflection: Another Look at John Dewey and Reflective Thinking’ (2002) Teachers College Record 104 4 842,843.

At its simplest, reflection is more than recalling what happened. Dewey defined reflective thought as “active, persistent, and careful consideration of any belief or supposed form of knowledge in the light of the grounds that support it.”⁷ This emphasis on disciplined inquiry distinguishes reflective practice from casual rumination. Boud, Keogh and Walker similarly describe reflection as the intellectual and emotional activity through which individuals explore experience to reach new understanding.⁸

A range of practical models has been developed from this foundation. For example, Borton’s model, often summarised as ‘What? So What? What Now?’ provides an accessible progression from description to meaning and future action. Kolb’s experiential learning cycle connects experience, reflection, conceptualisation and experimentation.

Argyris and Schön distinguish single-loop learning, in which practitioners adjust technique, from double-loop learning, in which they question the assumptions and governing values underlying their actions.⁹ This distinction is particularly important in mediation. A mediator might conclude that a question was poorly phrased and decide to phrase it differently next time. Deeper reflection asks why the question was asked, what assumptions informed it, how power or bias

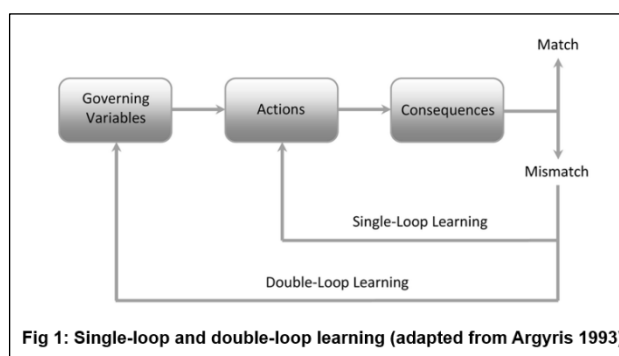
may have influenced the intervention, and whether the mediator’s understanding of neutrality, fairness or success requires reconsideration.

‘Reflexivity’ extends this enquiry by recognising that mediators are participants in, rather than detached observers of, the interaction. Rothman argues that mediators inevitably bring their experiences, emotions and biases into the room and that unacknowledged biases may undermine the process.¹⁰ When examined intentionally, however, these influences can be used with greater discipline and self-awareness.

‘Critical reflection’ goes further by examining the social and structural dimensions of practice. Brookfield argues that it should expose and challenge the power dynamics and dominant assumptions framing professional action.¹¹ This matters because mediation is

never conducted without wider and relevant contexts, including status, gender, ethnicity, class, professional authority or access to resources, and Brookfield warns of the limitations of

critical reflection undertaken in isolation because this means using “our own interpretive filters to become aware of our



⁷ John Dewey, *How We Think*, (Boston: Heath, 1910) <[The Project Gutenberg eBook of How We Think, by John Dewey.](#)> 6

⁸ David Boud et al, *Reflection: Turning Experience into Learning*, (1st edn, Routledge, 1985) 19.

⁹ Chris Argyris and Donald A Schön, *Theory in Practice: Increasing Professional Effectiveness* (1st edn, San Francisco, CA Jossey-Bass. 1974).

¹⁰ Jay Rothman, 'The Reflexive Mediator' (2014) *Negotiation Journal* 30 4 441, 451.

¹¹ Stephen Brookfield, 'The Concept of Critical Reflection: Promises and Contradictions' (2009), *European Journal of Social Work* 12 3, 293, 293.

own interpretive filters.”¹² He advocates for “critical mirrors” – colleagues or fellow learners – and lenses “that reflect back to us a stark and differently highlighted picture of who we are and what we do.”¹³

Reflection, learning and mediator identity

The study found that reflection was strongly associated with learning, self-awareness, decision-making and stylistic development. Novice mediators tended to focus on the mechanics of practice: whether they interrupted, summarised effectively or followed the rigid process correctly. More experienced practitioners were more likely to examine fairness, values, relational dynamics and the overall benefit received by the parties and were more confident and adept at adjusting the process during the mediation, (although Charkoudian’s observational research found that, even so, mediators do not, in practice, behave in stylistically flexible ways¹⁴ and Kressel concludes that in complex, uncertain, and interactive environments, even experienced mediators tend to rely on a dominant style, unless they are highly skilled and self-reflective.¹⁵)

One participant described this developmental shift:

When you start out you reflect on the mechanics...now I’m now much more interested in what value the individuals got out of my being there.

This suggests that reflective practice contributes not only to technical competence but also to professional identity, as in Lang and

Taylor’s characterisation of progression from novice to apprentice, practitioner and ultimately artist.

The research also identified a complex relationship between theory and intuition. Some mediators consciously drew on theoretical models; others described working instinctively. Yet intuition may itself represent accumulated experience and theory that have become tacit. As one participant reflected:

...people think that they work by intuition, but intuition is simply the accumulation of practice and theory, practice and theory. You either get explicit about your theory, or you draw theory, native theory, from all your past experiences, etc, which is, arguably, not the most systematic way of interacting with practice.

Schön’s concept of tacit knowing is useful here. Practitioners often know how to act without being able to articulate the basis for that action. Reflection makes implicit knowledge more visible and therefore available for scrutiny, testing and revision.

Challenging or unsettling cases appeared to stimulate particularly significant learning. Experiences that disrupted confidence or assumptions forced mediators to examine aspects of their practice that routine cases might leave untouched. One mediator said:

For me, the challenge was in the notion of neutrality. Up until this case, I believe I have maintained that

¹² Stephen Brookfield, ‘Critically Reflective Practice’ (1998) *The Journal of Continuing Education in the Health Professions* 18, 197,197.

¹³ *ibid.*

¹⁴ Lorig Charkoudian, et al, ‘Mediation By Any Other Name Would Smell As Sweet - Or Would It: The Struggle to Define Mediation and its Various Approaches’ (2009) 26 *Conflict Resolution Quarterly* 293.

¹⁵ Kenneth Kressel, ‘Mediation Reconsidered’ in Morton Deutsch and Peter Coleman, Eds, *The Handbook of Conflict Resolution: Theory and Practice* (Jossey-Bass, 2006) 748-750.

position with ease however, on this occasion, it was not easy.

Such discomfort may be professionally productive. Mezirow's concept of the 'disorientating dilemma' describes how unexpected experiences can challenge established meaning frameworks and create the conditions for transformative learning. Reflection can help mediators process these experiences without reducing them to blame or self-criticism.

The findings also questioned the dominance of settlement as the measure of success. More experienced mediators identified value in parties being heard, communicating directly, revising expectations, understanding the dispute more clearly or becoming better prepared for future proceedings. One practitioner stated:

...it doesn't matter to me if you don't settle, because it's not my goal to get to that point. My goal is only ever to deliver a fair and efficient mediation.

Reflective practice can therefore widen professional understanding of success beyond agreement rates, encouraging attention to process integrity, comprehension, consent and party experience. It may also help mediators find meaning and validation in work where the outcome is not always a settlement.

Barriers to effective reflection

Although participants valued reflection, they reported a number of factors affecting depth and consistency. One obstacle is time. Reflection requires cognitive and emotional

effort, often after an already demanding mediation. Workload, limited remuneration and administrative pressures can reduce it to a brief procedural exercise.

Limited case exposure may also restrict iterative learning. Where mediators conduct only a small number of cases each year, opportunities to test insights and develop consistent reflective habits are reduced.

A further risk is that reflection becomes formulaic. Eraut warns that mandatory reflection may generate compliant rather than critical responses.¹⁶ Reflective Debrief Forms with broad prompts can invite routine answers, particularly when their purpose or audience is unclear. Participants described written reflection as potentially becoming 'a bit of a chore' or something completed 'almost by rote'.

Audience effects also matter. Practitioners may consciously or unconsciously construct accounts that present a sterilised or acceptable professional identity rather than reveal uncertainty, emotion or bias. Hobbs describes producing performative reflections to satisfy an assessor as "strategic deception".¹⁷ In mediation, co-authored forms, professional hierarchy or concern about judgment may potentially inhibit honesty, especially for novice practitioners.

Introspection itself is not necessarily reliable. Eurich cautions "when we introspect, our response is similar to a hungry cat watching mice. We eagerly pounce on whatever 'insights' we find without questioning their validity or value."¹⁸ Without external

¹⁶ Michael Eraut, 'Schön Shock: A Case for Reframing Reflection-in-action?' (1995) *Teachers and Teaching: theory and practice* 1 1.

¹⁷ Valerie Hobbs, 'Faking It or Hating It: Can Reflective Practice Be Forced?' (2007) *Reflective Practice* 8 3 405,414.

¹⁸ Tasha Eurich, 'The Right Way to be Introspective (Yes, There's a Wrong Way)', (2017) <<https://ideas.ted.com/the-right-way-to-be-introspective-yes-theres-a-wrong-way/>>

challenge, reflection may reinforce existing assumptions.

The study found that dialogic reflection - through co-mediation debriefs, supervision and trusted practice groups - was often experienced as the richest form of learning and mediated against the risks mentioned above. As one mediator put it "The best reflective practice for me is within an established group... there's trust [t]here."

However, no single method will suit everyone. Some practitioners prefer private reflection or individual supervision. Effective systems therefore require flexibility rather than a uniform model.

Supporting meaningful reflective practice

Several general conclusions follow. First, reflection should have a clear purpose. Practitioners need to understand whether a written record is primarily for personal learning, supervision, quality assurance or organisational research. Ambiguity can inhibit openness.

Secondly, prompts should encourage mediators to move beyond description. Questions such as 'What assumption did I hold?', 'What shifted it?', 'What evidence do I have?' and 'What will I do differently?' may be more likely to support double-loop learning than general invitations to list successful and unsuccessful techniques.

Thirdly, timing matters. A brief immediate written record can preserve critical moments, emotional reactions and ethical concerns, while a later reflection may allow greater distance and clarity. A two-stage approach may therefore balance memory with considered analysis. Fourthly, reflective practice benefits from multiple spaces: private notes, structured written reflection,

co-mediator debriefing, supervision and stable peer groups. Trust is essential if practitioners are to examine doubt, bias and discomfort without fear that reflection is being used primarily to assess competence.

Fifthly, mediators may benefit from articulating a short personal theory of practice, however they choose to name it. This might set out values, aims, assumptions and preferred style. This should not become a fixed declaration, but a document revisited as experience and understanding evolve.

Finally, the party perspective should form part of the reflective loop. Mediators may reflect extensively on party behaviour while insufficiently testing their own assumptions against participant experience. Carefully designed feedback and willingness from participants to engage honestly could help bridge the gap between intended and experienced practice.

Conclusion

Reflective practice is both necessary and fragile. It can deepen learning, connect theory and experience, expose assumptions and support the development of professional identity. Yet it can also become superficial, performative or self-confirming.

Its effectiveness depends less on the compulsory completion of a debrief form than on the culture surrounding it. Practitioners require time, psychological safety, appropriate challenge and opportunities for dialogue. Organisations must balance structure with flexibility, and standards with openness and innovation.

The evidence base remains limited. Further research is needed to examine the extent to which reflective practice supports practice development and improves party experience.

Nevertheless, mediation's complexity makes an ongoing reflective orientation indispensable. The central question is not simply whether mediators reflect, but whether their reflection genuinely unsettles assumptions, informs action and enables them to serve parties more effectively.

Sharon O'Loan is an accredited mediator with a background in senior leadership across the higher education and voluntary sectors, including leading major national fundraising initiatives for healthcare capital projects and varied revenue programmes across the UK. She holds an LLM in Mediation and Conflict Resolution and sits on the Advisory Board of Strathclyde Mediation Clinic, where she regularly mediates cases online, and in person at Glasgow Sheriff Court. Sharon also works part-time as a bid writer with Family Mediation West and undertakes workplace mediations, investigations and reviews. Her practice is calm and grounded in respect for people in conflict, supporting participants to communicate clearly, explore shared interests and reach realistic, sustainable solutions.

Elder Mediation – Ensuring the voice of the older person is heard

by Frances Stephenson



**Frances
Stephenson**

We have a problem in our family concerning my mother's care. My brother wants to put her in a nursing home. I promised her that I would never do that to her. An email from Anne to the elder mediator.

Just over 50 years ago Mary, a very independent woman who had been widowed for many years was brought out to lunch by her nephew. Instead of driving her back home he brought her to a nursing home, never to return to her own home again. Mary had recently begun to forget things. The nephew was her closest relative.

Fast forward to five years ago, Alice, an 88-year lady who lived alone was persuaded to go into a nursing home for respite care by her adult children. When Alice was coming to the end of her week's respite, she was told that she would not be returning to her home. Her son and his siblings knew that it would have upset her if they had raised the subject of long-term care with her, but they didn't want her to have another winter on her own.

Despite these incidents being 45 years apart, there are similarities between these two women: both women had financial resources, both had lived very independent lives, both had the capacity to make decisions for

themselves. And the most upsetting similarity was that both had decisions made **for** them by somebody else, without consultation. They were not included in the decision-making about their future living arrangements.

Many families find it difficult to initiate and have these types of conversations – clearly evidenced in these two examples. Avoidance of any conversation can feel like the easiest option because they are difficult conversations.

How might elder mediation help families have these difficult conversations? What, you might ask, is the difference between an elder mediator and any other type of mediator?

Elder mediation is a voluntary and confidential process where a professionally trained specialist mediator helps older adults, their families, caregivers and friends discuss, negotiate and reach agreement on important decisions related to later life. It is a wellness model with a person-centred approach. The elder mediator is not an advocate but is very mindful of the older person and ensures that their voice is heard while also ensuring that other parties in the mediation are equally heard.

It is very similar to other types of mediation but very different in many other ways. The specialism has a preventative element which can help parties plan for the future and avoid unnecessary conflict. The elder mediator views ageing as part of a continuing process of

development and change, rather than just a period of physical and cognitive decline.¹⁹

The elder mediator is a specialist trained by Elder Mediation International Network [EMIN] certified trainers. The training includes:

- The normal ageing process
- Ageism
- Family dynamics and intergenerational relationships
- Bereavement, grief and loss
- Capacity, dementia and other age-related health issues
- Safeguarding vulnerable adults, and elder abuse
- Cultural diversity
- Legal and financial issues
- Advance Care Directives

Elder mediators facilitate dialogue in many different situations. For example, the older person may wish to make a decision about their future and wish to include their adult children in the discussion. On other occasions there may be an urgency caused by a sudden illness or death, a life-changing event where decisions need to be made in a hurry. It may include living arrangements, age-related illnesses, safety issues, health care in later life and end of life decisions. Very often it is when adult children have difficulty communicating with each other and their relationships are further stressed by the new challenges faced by their parent.

Sometimes the parent will be present at the joint meeting, sometimes for part of the meeting, and sometimes not present in person. If the older person is unable to take part or make decisions independently, the elder mediator ensures that their voice is heard by making certain that their needs and

wishes are represented. Each family member present will have had a different and unique relationship with their parent, and it is likely that their perspectives on the challenges will vary.

The venue for the mediation may be in the older person's kitchen or sitting room where the mediator might have their portable flipchart propped up on a kitchen chair – if the flipchart is even used. Often a person with memory loss may find a flipchart very helpful. Depending on the numbers and the complexity of the case, co-mediation may be the best option.

Returning to Anne's call for help. The mediators had a call with Anne, who was the main caregiver for her mother and heard from her how her mother was, both in terms of general health and her cognitive capacity. Mum was 82 years of age with early-stage dementia. Anne's brother Peter was home on his annual visit from north America just as Mum was recovering from a chest infection. He could see that Anne was exhausted caring for Mum and started making suggestions about a nursing home. He and Anne had a heated conversation. There were two other siblings living about an hour away. Anne needed more support "but a move to a nursing home for Mum was not going to happen."

The mediators, two in this case, met with the mother – choosing the right time of day when she was rested and ready for a visit. While there were signs of early-onset dementia, she was very clear about wanting to stay in her own home. She emphasised that she did not want her children to fight about her. She also wanted her adult children and grandchildren to be part of her life. She didn't want to attend

¹⁹ EMIN Code of Ethics for Elder Mediators (2021).

<https://elder-mediation-international.net/wp-content/uploads/2021/03/EMIN-Code-of-Ethics-10th-Edition-mar-2021.pdf>

mediation but asked for her wishes to be respected and brought into the mediation.

The mediators then met each family member separately. The joy for the mediators was that they all clearly loved their mother. However, they were each struggling with the fact that their mother had dementia. The brother working in America was finding it very difficult and wanted her put in a nursing home as quickly as possible. He hadn't realised how unwell she had become since his last visit. He wanted to fix things before returning back to America. The two younger sisters had very demanding careers and very little spare time and were both struggling in their own ways with their mother's illness and the burden it was placing on their sister, Anne. They both expressed guilt about not being able to do more and grief for their mother's illness.

At the start of the meeting with the four siblings, the mediators pulled in an empty chair to represent the mother. During their introduction, the mediators shared the wishes of the mother and spoke of the empty chair as a reminder of their mother's presence. Having invited each person to speak and share their perspective, the mediators helped Anne share what a typical day looked like for their mother. They explored options that would enable the mother to remain in her home with additional support. Different family members took responsibility for contacting supports and made commitments to support both their mother and Anne as the primary carer.

The dialogue during the mediation process enabled better understanding between the siblings which resulted in an enhanced quality

of life for both the mother, Anne and her siblings. They discovered an improved way to communicate with one another, which included being open about their fears and concerns for their mother along with the stress they were all experiencing in their own individual ways. They put a plan in place to support the mother in her own home, resulting in a good outcome for her and the rest of the family. Review meetings with the mediators were scheduled to support and enhance the agreement reached.

Luckily in this family, the early intervention of elder mediation meant that everyone understood what their mother's wishes were and a plan was devised to support her at home which also protected the wellbeing of the primary caregiver. The need for institutional care was postponed indefinitely. Sadly, the wishes of Mary and Alice, whose fates were outlined at the start of this article, were not accorded the same respect and dignity.

Frances Stephenson is an Advanced Elder Mediator, certified by the Elder Mediation International Network (EMIN) during their World Summit in Glasgow in 2012. Frances went on to co-found Later Life Mediation with four colleagues soon after. They are now the training provider for EMIN Accredited elder mediation training in Ireland and beyond. The Later Life Mediation mediators also provide a mediation service to help people navigate intergenerational challenges in a gentle, dignified and respectful way. They work with parties to bring peace of mind and strengthen relationships at a very precious time in the lives of the older person and their families.

Following the Signal: A conversation with Paul Kahawatte

by Ben Cramer



Ben Cramer



Paul Kahawatte

Paul Kahawatte is a mediator, facilitator, and trainer. He works in progressive social movements and community contexts, as well as in deliberative democracy. His main lineage is the work of Dr Marshall Rosenberg, who developed Nonviolent Communication. Within that, his biggest influences are Miki Kashtan, Dominic Barter and Sarah Peyton. Other influences include Carl Rogers and Eugene Gendlin. I met Paul during a conflict facilitation training he was leading with Navigate, and was curious to speak with him further to learn more about his approach to mediation and how his understanding of conflict might be relevant for mediators working in a range of contexts.

How did you come to mediation?

I've always been interested, since I was a teenager, in progressive social change, and the field of nonviolence as an area of social change engagement. I was involved in some social movements, and then came across Nonviolent Communication, and was super inspired by it, and fell in love with it. Then I was moved by hearing stories of conflict transformation that I heard through people who were working with the principles of Nonviolent Communication - hearing stories of people coming together, through the pain and differences that had torn them apart.

There's something about these moments, when something shifts or heals between people who have been through so much pain in relation to each other, even in the harshest of conditions sometimes. Those moments when this happens because people have really engaged together with the pain they've experienced. It does something to me - I find it unspeakably beautiful.

I realised I wanted to support people to find their way to that kind of transformation, but it took me a while to figure out how. Eventually, after diving very deeply into Nonviolent Communication and related practices, I found a way to spend a lot of time volunteering and got trained up as a neighbourhood mediator with what used to be called Bristol Mediation, now called Resolve West, in Bristol. I was then asked to join the organisation where I now work.

I'm curious about your own experience of conflict, or experiences which have been influential on your practice?

I think I grew up not having been given any guidance about what to do in conflict. And then found some things that gave me much more of a sense of roughly what pathways you might travel to find a way through conflict together. When I do manage to go on that journey, I find it's not intractable, it's not unresolvable. It's actually quite simple, at one level.

One of the strategies for responding to conflict that I see a lot in the world, and saw growing up, in the absence of the support and conditions to find a way through together, is that people either use a form of force or unilateral power to get what they want, or that

people just leave. I guess those were two dominant patterns of how to respond. Another significant dynamic that seems very tragic to me is the way that people very often, because of the social systems we live in and the distress in their nervous systems when conflict becomes painful, interpret others as bad or wrong, in some sense. There's something very profound for me in completely leaving the paradigm of badness, wrongness, moral inadequacy, evil or whatever. Shifting from this to focusing on what the impacts and effects are of the choices or actions that people have taken is very helpful in my experience. I deeply believe in the perspective that we're all just doing our best, however horrific or tragic the consequences are, to meet positive needs that we all share. Like a plant moving towards light and water and the nutrients it needs. But we're doing this in very difficult social conditions most of the time. I totally renounce the idea of blame as an actual truth, for me it's an expression of pain.

Could you say something about your orientation as a mediator?

There's so much I could say about that, but one core orientation we hold in our approach to mediation is about being fully on everyone's side. That's understood as something that doesn't just happen because we want it to, but through an ongoing process of self-awareness and working with the judgments and biases that always show up. We work with our judgements, so that we know that we are not acting from ways that could get us wrapped up in the conflict ourselves, but we are fully available to be on everyone's side. We're very much not directing anything at the level of content – what those in conflict have experienced or need to talk about or figure out - but being very ready to be strongly guiding at the level of process.

In the dialogue itself, a central focus for us is supporting people to listen to and really

There's something that naturally emerges in the process of people listening to and hearing each other, where things often shift and transform. When people feel like the other person really gets, and cares about, what's important to them, and what they have experienced, the mistrust and pain between people often untangles.

understand each other, to take in what the other person's experience felt like and what mattered to them. There's something that naturally emerges in the process of people listening to and hearing each other, where things often shift and transform. When people feel like the other person really gets, and cares about, what's important to them, and what they have experienced, the mistrust and pain between people often untangles. We are also tracking areas that they might want to look at in agreements, and we see agreements for action as incredibly important too. And the relational untangling part normally comes before that.

I'm curious what contexts you are working in at the moment?

Having done a couple of years of community mediation, I've mostly been working with people who are involved in organisations or projects that are working to try to improve society or address challenges that we face, such as community groups, unions or small NGOs. We have also recently started doing the first pilot of a project which is about not only working with the internal conflicts of those kinds of groups but doing something about addressing conflicts between organisations that could be working together, or could be in

solidarity, but are pulling in different directions. That's a big challenge in progressive social movements - groups don't always get along and therefore aren't as powerful as they could be.

I also do Convergent Facilitation (an approach to collaborative decision-making) and support groups and organisations to set up their ways of handling conflict, or ways of making decisions. And I'm very interested in bringing these ways of addressing conflict or big, strong disagreements into larger community conflicts — multi-stakeholder processes, major tensions between different communities — and in radically participatory and collaborative approaches to democracy at larger scale.

You have described your approach as radical – what do you mean by that?

By radical I mean something that can get down to the roots, to create some more fundamental positive change. How can we bring something that has a radical potential together with the way things currently are, in systems that aren't working so well?

I'm interested in approaches to conflict that address both the individual personal level, and the interpersonal level (the relationships between people, to bring about healing and transformation at that level). And also, partly through that, I want conflict resolution to contribute to the conditions that bring people into conflict also being transformed. The signals or the feedback that are coming through conflict a lot of the time are about how our social systems aren't always working for everyone or aren't meeting needs. And if we work with conflict in a way that addresses it at the personal and relationship level between, say, two people, but it doesn't engage with the wider context that brought that conflict about, then there is a risk of

quietening down the signal temporarily without addressing the root causes.

For example: I believe it's incredibly important, and also complicated, to bring restorative approaches into schools. I want children and young people, and everyone who's in that environment, to have restorative and transformative ways of responding to conflict. That's crucial for young people's mental health and what they experience at school, and how that affects them for the rest of their lives. Often there might be a signal showing up as some tension between a young person and a teacher. Part of what that signal is potentially communicating could be something about the way that the child or the young person is being asked to study a load of things that they are not that interested in, or to sit still in a classroom when they don't want to. And maybe they are within a power relationship that they have resistance to. If conflict resolution meant that we don't follow what the young person is expressing about their unmet needs for agency, choice and meaningful engagement, then we run the risk of quietening down the signal, possibly even the signal within the young person. They could go away from that process temporarily feeling better because they have had a meaningful connection with the teacher who they used to be pissed off with, and they might then stay longer in a situation that still hasn't changed, and it's still not meeting their needs. That's an example of where there's a signal around the distribution of power, or what needs are met or not met, showing up as conflict. And if the approach to that conflict quiets the signal, but doesn't address the root causes, then that might become something that I'd have a lot of concerns about.

You're talking about an approach which recognises the connections between the personal, interpersonal and the systemic.

Yes, very much seeing them as deeply interconnected, and wanting a holistic approach to conflict transformation. I don't want to drop the personal or the relationship level at all, as that level is incredibly important to me, and that's where a huge amount of the impact happens. Conflict really affects people, it affects how people feel, and that realm of stuff is super important. And for me, conflict work is very much following the signal. That may show up at the level of someone feeling tense or anxious, or angry, or sad, or hopeless, or whatever, and I want people to be listening to and following that signal through a conflict process. And it's not just listening to the signal, it's also following something that the signal is calling us to, in terms of change in the relationship, but also in the wider context that may have a major role in some of that conflict.

How does that work in practice — in the room?

Our approach to mediation most of the time will enter at the personal and interpersonal level and then spend a lot of time with that level, listening and trying to create conditions where the participants in that conflict process hopefully can start to notice the system-level signals.

I think of a conflict process as a system talking with itself. Often in conflict, people come in with an experience like: "Why the hell would they do that?"; or "I'm angry with you because I cannot see a good reason why you've done what you've done"; and they are filling that gap, the question mark, with: "you don't care"; or "you're totally obsessed with your agenda", or whatever. And then through rehumanising each other and hearing the puzzle pieces that

the other person has that they don't have, trust is rebuilding between participants, and something starts to constellate as a map of the conditions that led to this situation.

Miki Kashtan talks about a shift from two people in conflict looking at each other and seeing each other as the problem, to looking at their challenge in a collaborative way, side by side. At first, person A may only care about what's important to themselves, and person B cares about what's important to themselves, and they're struggling with each other. And then, there's this movement that can happen relationally, and they are no longer struggling against each other, but they are in this very profoundly different, and for me very profoundly moving place of: I get what's important to you; and I get what's important to me; you get what's important to you and what's important to me. And so, from that place, of mutual care, we are on a team. We have now entered a collaborative space, and we are looking out together at: how did this happen?; what were the impacts?; and we can extend our care to all of those impacts. And we can start to look at: 'what can we do to make things different for you and for me, and for anyone else who was affected?'.

There's an arc. It's not perfectly linear, but it's starts by meeting with individuals, and then

...there's this movement that can happen relationally, and they are no longer struggling against each other, but they are in this very profoundly different, and for me very profoundly moving place of: I get what's important to you; and I get what's important to me; you get what's important to you and what's important to me. And so, from that place, of mutual care, we are on a team.

bringing them together, and then what they talk about, first of all and for a long time, is the relational level. But as the relational level hopefully starts to reweave into a place of being in togetherness, then there's space and capacity and curiosity and creativity to look out at the wider thing. It's no longer: 'why did you do that, you idiot!' It's more like: 'what led you to do that?' So, something naturally emerges in that process. Once that relational untangling has happened and they have come back to togetherness, then they can start to look at: 'what can we do to take care of what's important to you and what's important to me, (and maybe others)?' As a mediator, I can ask questions or offer things to guide people's attention to that larger group or community or system level.

What are the conditions that make that possible?

This is definitely an ongoing exploration. Some core conditions, drawing in a big way on things I've learned through the work of Marshall Rosenberg, it seems are:

- the different parts of that conflict, or actors, get to very fully and freely express their experience.
- that they feel heard and received with empathic understanding, and in a way that resonates. People often give body signals of when they feel understood, or when they don't. There's something that relaxes or energises when they feel got - they are like "yeah, exactly!". That empathic understanding needs to feel proportional to the level of pain. If I have a really rough experience, and you say, "oh, it sounds like it is slightly annoying for you", that may not really connect. It needs to feel like you have really got the level of what it was like on the inside.

- Then there's trusting that the person cares, not in a generalised, *oh, I care about you way*, but: *I am affected by hearing what it was like for you, and I feel... possibly remorse, or regret, or sadness around that*. That's the third one. (This is very different to guilt or shame).
- Then there's something about acknowledgement of choice and agency - that I acknowledge the choices and actions that I took, and the agency or power that I had to affect you. And sometimes I can acknowledge how my actions were likely affecting you in this way, how the impact makes sense to me.
- And then, and often it's important this comes later, the mutual understanding of why: what led us to act in the way that we did, what needs were we trying to meet, and what conditions were we in? That might be conditions in the present, or it might also be conditions in the past, like someone's traumatic history.
- And then, action that really practically addresses things, symbolically and relationally, and touches on the different levels of personal, interpersonal, collective, and systemic. Within systemic, there are different layers. There's how we make decisions in our team, for example, and the massive social systems that we all live in, like capitalism. Those are much harder to address. But there's a level of care that goes to another level through action - someone can trust that the other person really cares when they've done the things that manifest that care in action.

Often it will be important for all involved to go through all of these places for transformation to happen, both ways, for example, for me to experience empathy for the impact my actions had for you, and for you to feel me taking that

in empathically. And vice versa for your actions that have impacted me. How it looks for these conditions to be fulfilled may change a lot depending on the situation.

Thank you, Paul, that's a fascinating insight into your work and a glimpse of your understanding of conflict and vision that underpins it. Would you like to leave our readers with any final thoughts or words?

What's coming to mind is the words of others:

There are three ways of dealing with difference: domination, compromise, and integration. By domination only one side gets what it wants; by compromise neither side gets what it wants; by integration we find a way by which both sides may get what they wish

– Mary Parker Follett

The absence of dialogue is deadly

– Dominic Barter

The more I trust my needs matter, the more I'm willing to stretch

– Miki Kashtan

Out beyond ideas of wrongdoing and rightdoing there is a field. I'll meet you there

– Rumi

Ben Cramer completed the MSc in Mediation and Conflict Resolution at the University of Strathclyde in 2018. He currently mediates with Strathclyde Mediation Clinic, Lothian & Borders Court Mediation Service, Restorative Solutions North Yorkshire, Scottish Mediation, Help Employment Assistance Programme, Cyrenians Mediation & Whole Family Support, Edinburgh University and independently. He is also a tutor on the Mediation & Mediation Advocacy module in the Strathclyde Diploma in Professional Legal Practice and facilitates peer support for the Clinic. He is interested in co-mediation and reflective practice and regularly facilitates philosophical dialogue in small groups.

Mediation and Trust

by Gordon Murray



Gordon Murray

One of the first things a mediator has to do after being instructed in a mediation, is to establish a rapport with the parties for whom they have been asked to mediate. Without creating an immediate level of trust with both parties, a mediator will struggle. In many cases, mediators are not given much time to achieve that especially if only 15 or 20 minutes have been allocated for a pre-mediation conversation with each party.

According to Google, an individual will react positively (or negatively) to someone else within seconds of the initial encounter. That's a high bar to clear and yet on balance, and judging by results, we each seem to be able to achieve that, at least in the majority of cases. When you think about it, that is really quite extraordinary because so many of the mediations we now do are on Zoom and we have restricted body language available for interpretation. However, we do have our tone of voice, our smile, the use of open questioning and the like, but what is the magic that makes this work?

It all boils down to trust: an amalgam of many elements and techniques deployed by mediators using their individual styles. Empathy is one core part and yet is almost impossible to define. We all know the sense of what it entails and we judge how successful

we have been in its use by the way the parties then communicate. The parties themselves are also taking a bit of a risk opening themselves up to someone they have never previously met. To have both parties trusting the mediator to be both understanding and constructive, sets the scene for positive dialogue and reflects that, on balance, each party is willing to accept that element of uncertainty.

We have our own experiences from the mediations we get instructed in and we also read about mediations taking place on a far greater scale. The current conflict in the Middle East is one example where State actors have put themselves forward as possible mediators where they have political and economic links with both parties. This must be on the basis the parties acknowledge and accept that the mediator has an interest in resolving the conflict, thereby spreading the perspective brought to the table. Where two parties are willing to place their trust in that process, (or are at least willing to explore that process), there is an element of 'realpolitik' at play. The main concern however will be that, if it ends up being a political fix, what hope is there of a lasting and enduring settlement.

That said, not many of us are faced with such macro-mediation challenges working as we do with Sheriff Court referrals and other more mundane disputes. The mediations we do take part in, however, are still of real importance to our clients. We must infuse any mediation with a sense of hope to displace what may well be a deep-seated cynicism from the parties who have struggled to find an escape route from their conflict. If we can inject an element of

positivity, that too should encourage a degree of trust in their mediator.

A sense of optimism should pervade the mediation. How we present ourselves as mediators will have a material impact on our effectiveness. Each mediator brings their own strengths and influence to a mediation. We have all been drilled in the concept of bias, both conscious and subconscious, and in recognising that inherent behaviour, we have to adjust our approach to achieve a workable rapport. We have to stay light on our feet and be aware of the nuances of responses we can see and hear. This in turn introduces the concept of judgement, in that we have to make a call as to what is working and what isn't - quite tricky really.

At this point, and at the risk of heading off a little at a tangent, the strength of co-mediation is highlighted and comes to the fore. By creating space in allowing one mediator to observe whilst the other does the talking, the parties will recognise an element of teamwork and interaction. This dual approach with one bouncing off the other, is not exactly 'good cop bad cop' but it creates a contrast where the mediators can be seen to be working together, can be mutually supportive, can reinforce what the other has said, and also create an opportunity for exploring other angles. Again, the interplay between the mediators can help to foster that degree of confidence in the parties that this is a proactive exercise and can lead to a fundamental reassessment of what the parties are actually looking for.

We are all privileged in being invited to work with parties who, for whatever reason, are under immense strain both emotionally and financially. We are encouraging them to take a leap into the dark in trusting us as mediators where it is likely the trust between the parties themselves has disappeared. The fact that we

all manage to do it in our individual styles is a testament to the training we have had and the support given by our colleagues. We just have to get the word out and encourage more folk to use mediation!

Gordon Murray is an experienced mediator having formerly been a solicitor in Private Practice and has a particular interest in the performing arts. He completed an LLM in Mediation and Conflict Resolution at the University of Strathclyde in 2024. He is a member of Strathclyde Mediation Clinic, accredited with Scottish Mediation, and he also advises on business strategy.

Introducing a Framework for Trauma-Informed Mediation²⁰

by Raheena Lalani Dahya



**Raheena Lalani
Dahya**

What is Mediation in the Context of the Legal System?

Mediation is a subset of the field of Alternative Dispute Resolution (ADR). The 'alternative' in this acronym refers to an alternative to the 'formal' dispute resolution process i.e., within the courts of law. The legal process in many commonwealth jurisdictions²¹ is an adversarial one: each party enters into a contest of legal arguments and evidence (and, often, access to enough resources to participate fully) in the process before a third-party adjudicator, the Judge (and sometimes a jury), to determine whose case is stronger, whose version of the story is more credible, which party's case makes the best legal sense, and ultimately, who will win the legal contest.

Mediation, as an alternative to the legal system as a dispute resolution forum, involves a neutral third-party facilitating negotiations between the parties to assist them in resolving the dispute. When the parties are in the court system, i.e. litigants, these negotiations assist them in settling as much of the legal claim as

possible (more on this below). Mediators learn about the dispute from each party individually, in a confidential setting. Once they have learned about the dispute from all the parties' angles, they tailor a negotiation process to the parties' unique situation and then facilitate the negotiation within that process, constantly making process adjustments in response to new information that comes to light.

The idea that mediation is an *alternative* to the court systems might give rise to the idea that there is a false binary between the court system and mediation. In reality, mediation is sometimes a pure alternative forum in which disputes may be resolved; *and* it is also often a forum in which matters before a Judge can be diverted for potential settlement. Sometimes, parties turn to mediation to solve as much of their existing lawsuit as possible, thereby 'thinning down' the issues on which a court needs to rule. This is helpful to the court system for several reasons. Some of the more notable ones are:

1) Time:

It reduces the time the court needs to spend on a matter. This is sometimes referred to as 'unclogging the courts', a phrase in reference to the backlog of cases and the slow pace at which the court process proceeds. When the workload of a court is reduced, the speed of the court process improves.

Litigants can often see a mediator far sooner than they can attend a court

²⁰ This article was presented by Raheena Lalani Dahya at the International Mediation Clinic Network's Online Global Mediation Clinics Conference (Part 2) conference on the 25 February 2026. Raheena is Called to the Bar in two commonwealth jurisdictions that use adversarial systems: England and Wales; and Ontario, Canada.

appearance, which are often scheduled months in advance, making it a much more expedient process for the parties as well as the court. When issues are resolved in mediation, it can reduce the length of time litigants live with court-related stress and anxiety.

2) Efficient use of public resources:

The public system funds the courts. This means that taxpayer funds pay for the court staff, the rent or mortgage on court buildings, building maintenance, security, etc. It makes sense to fund the court system publicly because it is the public who gets to use the court system as both a right and a dispute resolution service. When that service is so bogged down that it cannot be adequately responsive to the members of the public's needs, it can feel like a waste of tax money.

Even if only some parts of a claim are resolved with the assistance of a mediator, this allows for resources such as the clerks' and judges' time and energy to be allocated to manage non-mediatable legal issues that genuinely need to be before the courts.

3) Cost to the parties:

The court system can be very costly, in addition to taking up a lot of time. Legal fees spent on preparing for court hearings can be very expensive. Sometimes, this expense is necessary and worth the cost. However, when issues are solved with the assistance of a mediator (often with lawyers present to support their clients in achieving a strategic outcome), this is one way of reducing the amount of court preparation-related legal fees that can accumulate as parties proceed through the court system.

From the above, it is clear that mediation offers advantages to the court system as well as to the parties. Yet there is another, less discussed, reason that mediation is helpful to the parties: it is a forum in which the humanity in the legal problem can be addressed.

The legal system can sometimes have compassionate outcomes; this is not to be denied. Often, however, the courts must look to what is legally and evidentially relevant, which can often fail to include the human neurobiological realities 'on the ground'. This is where trauma-informed mediation, and its predecessors such as the incredibly influential *interests-based mediation*, can offer more reprieve than the court system.

Trauma-informed Mediation

The study and practice of trauma informed mediation is fascinating, at least to me. As a field, it combines an interdisciplinary blend of neuroscience, psychology, negotiation theory, culture, power dynamics, and often, law. In September 2025, the *Cardozo Journal of Conflict Resolution* published a paper co-authored by Dr Michael Saini, Dr Shelly Polak, and myself, entitled [*A Framework for Trauma Informed Mediation: A Heart and Mind Approach To Conflict Resolution*](#). Our framework outlines the interplay of these various disciplines and how they come together in the practice of trauma-informed mediation.

Though our paper centred around family law disputes, our framework can apply to any type of dispute whether it is legal in nature or not; and can be adapted to contexts other than mediation, as demonstrated by Geoffrey

Sculthorp, who wrote a three-part blog²² applying our Framework to the practice of estates' law and estates' mediation.

When mediators use a trauma-informed framework to support parties' negotiations, the parties' psychological, neurobiological, socioeconomic, psychosocial, and cultural realities are taken into account, in addition to the legal or substantive aspects of the dispute. This can create an environment in which parties have better chances of resolving their disputes independently of the court process.

In February 2026, I had the pleasure of presenting an overview of our paper at the University of Strathclyde's International Mediation Clinic Network - Global Mediation Clinics Conference (Part 2).

To give you a flavour of what I covered: the work includes many of the things I wish I knew before I began practicing mediation, and law for that matter!

It touches on issues I continue to rely on in practice, and explore in my research, such as:

- What the practice of mediation entails
- Interests-based negotiation, based on Fisher & Ury's seminal text, *Getting to Yes*²³
- Hoffman's mediation ethics²⁴

- Siegel's Window of Tolerance model of regulation and dysregulation, popularised in the field of interpersonal neurobiology²⁵
- Attachment theory, a psychological theory of why, and how, we relate and conflict with loved ones²⁶
- Culture from various angles:
 - both traditional and contemporary aspects of culture
 - how adoption of online platforms and virtual fora, as main sites of social interaction, impacts conflict trends, and
 - how algorithmic influences on our content consumption impact our perceptions of culture, each other, and how we conduct ourselves
- The six trauma-informed principles: safety; trustworthiness; choice; collaboration; empowerment; and cultural, historical, and gender considerations (the latter can be consolidated under the heading of 'intersectionality').

When mediators use a trauma-informed framework to support parties' negotiations, the parties' psychological, neurobiological, socioeconomic, psychosocial, and cultural realities are taken into account, in addition to the legal or substantive aspects of the dispute. This can create an environment in which parties have better chances of resolving their disputes independently of the court process.

If readers are interested in this topic, they can read our [paper](#). For more UK-based discussion

²² Geoffrey Sculthorpe, Trauma-Informed Mediation Matters in Legal Practice, three-part blog series, Hull & Hull LLP, [consolidated links to accessible via LinkedIn online:

<https://www.linkedin.com/feed/update/urn:li:share:7388726961545609216/>]

²³ Roger Fisher & William Ury, *Getting to Yes: Negotiating an agreement without giving in* (3rd edn, Penguin Books).

²⁴ David Hoffman, *Ten Principles of Mediation Ethics*, United States Courts, Western District of Missouri website [online: <https://www.mow.uscourts.gov/sites/mow/files/Ten-Principles-Mediation-Ethics.pdf>]

²⁵ If you'd like to learn more about the fascinating field of interpersonal neurobiology, I recommend reading Siegel's book for general consumption on the topic, [Mindsight](#).

²⁶ For an introductory text on adult attachment, I recommend reading [Attached](#) by Amir Levine and Rachel Heller.

on the topic, readers can follow the [Trauma Informed Law blog](#) and explore mediation further via the landmark case of *Churchill v Merthyr Tydfil County Borough Council*²⁷.

Raheena Lalani Dahya LLB, LLM is a family law and community mediator in Toronto, Canada; a Professor of Alternative Dispute Resolution (ADR) at Humber Polytechnic; and a faculty member of family law mediation programs at various institutions in Canada. Raheena is a lawyer in Ontario, and an unregistered Barrister in England and Wales. She is accredited as a mediator by multiple institutions internationally. Raheena's work has been used in North America, the UK, Europe, Africa, and Oceania.

²⁷ [2023] EWCA Civ 1416.

Research Reflections

Cordelia Gayfer reflects on her LLM dissertation



Cordelia Gayfer

In this series of articles, Adrienne Watson has asked some of our former students to reflect on their Master's dissertations. Our students have shared the lessons they learned, the impacts of their research and their advice for future students.

In this issue, Cordelia Gayfer reflects on her LLM dissertation, *How do Mediators Address Power Imbalance in Simple Procedure*, which she completed in 2025.

How would you summarise your dissertation's key aims and outcomes?

I began my dissertation with three key research questions: How do mediators identify power imbalances? How do mediators address power imbalances? and How successful do mediators think they are in addressing power imbalances?

Once the data began to emerge it became clear that the richest themes clustered around the question of 'How do mediators address power imbalances?' I therefore re-focused my dissertation around this question. My key aim was to understand how mediators approach power imbalance before, during and after Simple Procedure mediations. I was in the early stages of my mediation journey and did not want to mediate in a way that could allow

a 'powerful' party to steam roller a 'weaker' party while I looked on helplessly. I wanted to come away with a better understanding of how I would approach such a situation.

The outcomes re-framed my thought processes around power imbalance in Simple Procedure mediation. All those interviewed approached power imbalance with caution, highlighting that power imbalance is hard to accurately identify, may change and should not be taken at face value. The resounding message was 'avoid making assumptions'. The importance of listening in identifying power imbalance was another key theme that came through. The outcome that split the group was vulnerability. Some mediators felt that encouraging the parties to be honest about their vulnerability was key to unlocking mediation, others felt it sometimes helped, sometimes didn't, and a third view emerged that vulnerability was likely to result in hostility and undesirable outcomes for the vulnerable party. This divergence of views intrigued me. I looked for anything in the literature to explain it. Brené Brown's book *Daring Greatly: How the courage to be vulnerable transforms the way we live, love, parent and lead* (Penguin 2012) shed some interesting light on why people may have differing views on vulnerability.

What particularly interested you about the area you were researching?

I considered power imbalance to be a factor that could undermine party participation in mediation and lead to unfair results. I wanted to understand better how to identify it and what I should do about it when I found it in mediation. Furthermore, there was a gap in the literature. A great deal had been written

about power imbalance but none (that I could find) addressing it in the context of Simple Procedure.

Which research methods did you use – why did you choose these methods?

I undertook qualitative research using semi-structured, in-depth interviews carried out online by Zoom. Transcripts were then coded by theme and quotes identified to illustrate these themes.

I chose qualitative research because it allowed me to collect descriptive, in-depth data that was detailed, rich and complex and allowed the freedom to follow-up emerging themes. The subject matter was deeply set in the participants' personal knowledge and it covered areas that are sensitive. Online interviews gave the best combination of convenience for interviewees whilst still providing the interviewer with body language and facial expressions. This method also made it easy to capture the language used and transcribe it for analysis.

Did you develop any new skills during the dissertation. If so, what were they?

I had never undertaken empirical research before. I had to gain an understanding of what was involved. I had also never written an ethics proposal so that was new to me too. Once I understood the theory, I had to design the research, write the ethics proposal, carry out the interviews, do the analysis and write it up. These were all new skills I was using for the first time.

What aspects of your dissertation were particularly challenging? How did you overcome the challenges?

The most challenging aspect of my dissertation was probably managing my own time over the months that I was working on it. When I didn't

know how to do something it was very tempting to procrastinate. I set myself mini-deadlines to help myself focus. I also spoke to other people on my course doing their dissertations at the same time. That gave me ideas on how to approach things and reassured me that others found it challenging too. I also spoke to my supervisor who was very helpful in pointing me towards some reading to get started in understanding qualitative research and also suggesting some helpful articles for other aspects of my research.

What aspects of your dissertation are you most proud of?

I am proud that I finished my dissertation whilst going through a very difficult period in my personal life. This would not have been possible without the support and understanding of my supervisor.

I am also proud that I managed to do my first piece of empirical research. I was surprised and delighted to achieve a Distinction in my studies and my dissertation played a large part in that result. I could never have imagined that outcome at the start. I also feel pride in the outcomes of my research. I feel that the interviews I did led me to consider vulnerability in mediation in a way I would not have done before. I am extremely grateful for the generosity of my interviewees with their time and their thoughts. It was a privilege to talk to them about their experiences of mediation, and I can only hope that the dissertation I wrote does them justice.

If you were to do your dissertation now, with the benefit of hindsight, would you change anything about your dissertation? If so, what?

Many of the opportunities for improvement that I can see now in my dissertation came

about due to time constraints. However, with more time and resources to pursue the research, I would seek a larger sample size of interviewees. This would hopefully give me a more varied demographic range in the interviewee group. I would also plan to interview both the parties and the mediators after cases (and potentially take observations in the mediation too). I would also schedule follow-up interviews so that I could ask questions about matters that came up in later interviews.

Was your dissertation helpful in shaping your mediation practice? If so, how?

My dissertation made me less worried about power imbalances appearing in mediations. It taught me to avoid making assumptions and not to try to bring parties to an equal power footing. I still listen for power imbalances, but I proceed with caution and do not rush in to 'fix' them.

What advice would you give to students who will be working on their dissertations next summer?

Plan early. Give yourself mini-deadlines to keep yourself on track. Speak to your supervisor early and check-in regularly. Be ready for your thoughts about your topic to change as you go. You may well start with an approach and find that you want to change it

as you do your research and begin to write your first chapters. Discuss this with your supervisor.

Is there anything else you would like to share with our readers?

I found my dissertation very challenging and at times felt as though it would never be good enough to submit. Now that I look back on it, I am pleased with it and the growth I experienced through working on it. My confidence has risen accordingly. I hope that anyone else going through similar challenges also finds that, on reflection, it is a very rewarding experience.

Cordelia Gayfer recently graduated with an LLM with Distinction from the University of Strathclyde's LLM in Mediation and Conflict Resolution and is a current Board Member of Strathclyde Mediation Clinic. She works as a lead mediator for Strathclyde Mediation Clinic, undertaking mediations in Simple Procedure cases referred by the Sheriff Courts. She also has a Law Degree (LLB), a Postgraduate Diploma in Personnel Management and has a background working in HR and Equality & Diversity in the public sector.

From the Chair.....



**Sneha Selina
Bonomally**

Chairperson's Reflection: What the Mediation Clinic Has Given Me

Every edition of *Mediation Matters!* gives us the opportunity to reflect on the work of the Mediation Clinic and the difference it continues to make within our community. This time, however, I wanted to do something a little different.

Rather than writing about cases or achievements, I wanted to take this opportunity simply to say thank you.

Around three years ago, I joined the Mediation Clinic as an observer. My first experience of mediation was quietly logging into online sessions with my camera and microphone switched off, taking notes while experienced mediators guided conversations between parties. Although I was simply observing, those sessions taught me far more than I realised at the time.

I watched people who were often facing difficult situations being given the opportunity to speak, to be heard and, where possible, to move forward. I watched mediators create a calm and respectful space where meaningful conversations could take place. Those early observations sparked something in me, and I found myself wanting to learn more.

At the time, I had no idea where that journey would lead.

Over the years, I was fortunate enough to progress from observer to assistant mediator, then to lead mediator, and later to serve as Co-Chair of the Mediation Clinic, before taking on the role of Chairperson. Each opportunity brought new challenges and new lessons. More importantly, each role introduced me to people who were generous with their time, patient with their guidance and willing to share their knowledge so freely.

Last month, I completed my PhD, bringing to an end a journey that has occupied a significant part of my life over the last few years. Although completing a doctorate is often seen as an individual achievement, I know that this one certainly was not.

There were many evenings when I would finish a mediation session and return to my desk to continue writing my thesis. At the time, those felt like two separate worlds. One was centred on people, conversations and conflict resolution. The other was filled with research, analysis and academic writing.

Looking back now, I realise they were never separate.

The patience to sit with uncertainty, the discipline to listen before reaching conclusions, the curiosity to understand different perspectives and the habit of reflecting before responding are qualities I first began developing through mediation. Without realising it, those same qualities became some of the most valuable tools I carried into my research.

My doctoral thesis explored mediation advocacy, emotional intelligence and professional judgement among legal practitioners, examining how lawyers navigate complex disputes through both legal expertise and emotional awareness. While the research focused on mediation advocacy in environmentally related planning disputes, it continually reinforced something I had already come to appreciate through my experiences at the Clinic: effective mediation is never just about resolving problems. It is about understanding people.

For that reason, I would like to take this opportunity to thank the people who have made such a difference to my journey.

My heartfelt thanks go to Dr Charlie Irvine and Pauline McKay. Charlie's vision, leadership and unwavering commitment to the Mediation Clinic have created opportunities for so many people, me included, to learn, develop and gain invaluable experience. Pauline's kindness, generosity and constant support have made balancing the demands of the Clinic and my PhD far easier than it otherwise would have been. Together, they have helped create a welcoming and supportive community where people are encouraged to ask questions, support one another and continually grow, both personally and professionally.

I would also like to thank Dr Tom Scade, with whom I had the pleasure of serving as Co-Chair during my first year in the role. Tom was always generous with his time, thoughtful in his approach and a wonderful colleague to work alongside. Sharing the role made the experience all the more enjoyable, and I remain grateful for his support, friendship and collaboration.

My thanks extend to every experienced practitioner who has shared their wisdom,

The patience to sit with uncertainty, the discipline to listen before reaching conclusions, the curiosity to understand different perspectives and the habit of reflecting before responding are qualities I first began developing through mediation. Without realising it, those same qualities became some of the most valuable tools I carried into my research.

every trainee mediator whose enthusiasm reminds us why this work matters, every observer beginning their own journey, every member of staff working tirelessly behind the scenes, and every volunteer who contributes their time so generously. The Mediation Clinic is what it is because of the people who give so much of themselves to it.

One of the biggest lessons my research reinforced was that good professional judgement is shaped not only by knowledge and technical expertise, but also by empathy, emotional awareness and thoughtful reflection. Looking back, I realise I learned those lessons long before I ever wrote about them. I learned them here, through the Mediation Clinic.

If anyone is interested in reading more about these ideas, my doctoral thesis will be available through the University's public repository in due course. I would be very happy to share it once it becomes publicly available.

If there is one thing these past three years have taught me, it is that the Mediation Clinic offers so much more than an opportunity to learn how to mediate. It offers a community that quietly encourages people to grow, to challenge themselves and to become better professionals, colleagues and individuals.

Three years ago, I joined simply hoping to learn. I leave this reflection having gained far more than I ever expected.

To everyone who has been part of my journey, whether through a conversation, a mediation, a word of encouragement or simply by leading through example, thank you. I hope that, in some small way, I have been able to give back to a Clinic that has given me so much.

With sincere gratitude.

Sneha Selina Bonomally

Chair, Mediation Clinic

Sneha Selina Bonomally has just completed a PhD in Environmental and Planning Law at the University of Strathclyde, focusing specifically on the use of mediation as an alternative dispute resolution mechanism. She is a registered practitioner with Scottish Mediation, actively contributing to Strathclyde Mediation Clinic as a lead mediator, primarily handling Simple Procedure cases. In addition to her mediation work, Sneha is also a qualified architect by profession.

Patrick's Ponderings – Time-Restricted Mediation

by Patrick Scott



Patrick Scott

I was part of a discussion recently about whether or not certain types of mediation should be time restricted. In other words, should parties be told up front that the mediation will be restricted to, for example, 3 hours.

The Agreement to Mediate which is used by Strathclyde Mediation Clinic states that “(a) mediation session will aim to conclude within a period of 3 hours”. And parties are requested in advance of the mediation session that they should allow 3 hours for the session. Is this a good or bad thing? That is what I am going to ponder.

Since 22 May 2024, most small claims disputes under £10,000 in England and Wales are automatically referred to mandatory mediation. The mediation is conducted by an in-house mediator over the telephone and is restricted to 1 hour. The settlement rate is not particularly impressive although, given the number of cases being mediated, a fairly substantial number of settlements are achieved.

I recall doing a mediation a few years ago where the matter was moving along at a sedentary pace, with toing and froing between the parties, when suddenly the one party

made an offer and then announced that he was only available for another 10 minutes, as he had a meeting to attend. Ten minutes later there was a settlement agreement in place! So, there is definitely something to be said for limiting the time available for the mediation session.

I have done a great number of mediations for the Mediation Clinic and very few over the years have exceeded 3 hours. What I would like to focus on, is how to deal with a mediation that has gone on for 3 hours and has not yet settled. Do you say to the parties that the 3 hours is up, and you are now going to end the mediation? Do you say that you will give the parties another 10 minutes to conclude the mediation? Or do you ask the parties if they are okay to continue past the 3 hours, bearing in mind that they were only asked to allow 3 hours for the session. Like many aspects of mediation, there is no definite answer. So much depends upon the circumstances. In making the decision, there are a number of points to consider. Why is the mediation taking longer than anticipated? Are the parties close to a settlement? For how much longer are the parties available? If one or both of them are not available to continue, is it an option to postpone the mediation and continue at a later date?

Obviously, if the parties are close to a settlement and available for a while longer, the obvious thing to do will be to continue. If the matter is not close to a settlement, but progress is being made, the question to ask yourself is why this matter is taking longer than usual. It could be that it is a complex matter with a number of issues and it is taking time to explore them. One of the parties could

have mental health issues or some disability, thereby slowing the discussion down. If the mediation is relational, it may take longer to explore the issues than a matter involving a monetary claim. I recall a matter where part of the settlement included an apology. It took an hour just to deal with the context and wording of the apology.

So, as I said previously, there is no simple answer to the question whether mediations should be time restricted. I believe that mediators should always be sensitive to the matter at hand and deal with it in the best interests of the parties. I just could not imagine saying to parties who are making

progress and are likely to achieve a settlement "Sorry, your time is up! You will have to let the court decide your matter."

Patrick Scott completed the LLM in Mediation and Conflict Resolution course at the University of Strathclyde in 2018 and was awarded an LLM in Mediation and Conflict Resolution with Distinction. He is currently an Accredited Mediator with Scottish Mediation, serves on the Scottish Legal Complaints Commission (SLCC) Panel of Mediators and volunteers as a lead mediator with Strathclyde Mediation Clinic. He is also on the Board of Trustees of Scottish Mediation.

Mediation Mulligans

by Alan Jeffrey



Alan Jeffrey

In this regular column, mediator Alan Jeffrey candidly shares examples of the mistakes, missteps, and gaffes he has encountered on his mediation journey – and, most importantly, the lessons that he has learned from them!

The following article reflects on my experience as the mediator in a recent case. Permission to write this article was given by both parties and each has had the opportunity to read and respond before publication.

There's a danger in any repeated endeavour that we become complacent, stop seeking challenge and lose some of our creativity. Whilst I don't believe that my mediation practice has quite fallen prey to this just yet, and I'm still relatively early on in my career and certainly not bored with it, I have reached a level of confidence where mediation has become my normal. The big moments of learning are becoming less frequent, perhaps making them more noticeable.

That's probably why I was both anxious and excited to take on a recent mediation that required significant changes to my usual process. The claimant, who lives with several inter-connected medical conditions, was keen to engage with mediation but did not have the capacity to communicate by phone, online meeting or face to face. Email correspondence was the only method that met their needs.

The respondent, on the other hand, had no such barriers and was comfortable

communicating by phone or email. They were understandably concerned that, without face-to-face interaction, meaningful progress would be difficult.

There had also been significant conflict between the parties in the past, making the situation tense.

After discussion with both parties, we agreed that the mediation would take place as shuttle mediation by email. Initially, all communication would pass through me, although we left open the possibility of direct communication if it became appropriate. Given that the conflict had been ongoing for some time, both parties welcomed this approach and seemed grateful for the opportunity.

Whilst feedback from both parties was positive, I cannot say with certainty that this was the right way to approach the mediation, or even the most effective, although an agreement was ultimately reached. What I am comfortable claiming is that I tried to uphold the core principles of mediation within a very different format. Below are a few of the decisions I made, some reflections on how they worked in practice, and a few questions I'm still left with.

I cannot say with certainty that this was the right way to approach the mediation, or even the most effective, although an agreement was ultimately reached. What I am comfortable claiming is that I tried to uphold the core principles of mediation within a very different format

Time-limited and forward moving

I wanted to retain mediation's time-limited nature. We agreed the email mediation would run over one working week (Monday to Friday), with emails exchanged during office hours. If no agreement was reached by 5pm on Friday, we accepted that mediation was not the right forum to resolve the dispute.

Building trust and rapport

This was the aspect I was most nervous about. My mediation style is conversational, often humorous, and relies on helping people relax and be themselves. I wasn't sure how I would achieve that via email.

I explained to both parties that this was my first time mediating in this way and asked for their patience. The format naturally felt more formal, so I made a conscious effort to write conversationally and encouraged both parties to treat the emails as a dialogue rather than formal correspondence.

Despite my initial concerns, I quickly developed a strong rapport with both parties and felt trust was established much as it would have been in a face-to-face mediation.

Empathy and understanding

My favourite moments in mediation are when people begin to see the situation from the other person's perspective and stop 'othering' one another. I wasn't sure that would happen through email, but I saw evidence that it did.

There were several occasions where each party reflected thoughtfully on how the other had been affected and expressed genuine surprise at how reasonable and understanding the other's responses were. During one phone call, I even helped the respondent think about how to offer an apology. It was recognised and accepted in much the same way I have seen apologies land in face-to-face mediation.

Time pressures

I thought a week would be more than enough to complete a mediation in this format, but by Wednesday morning I realised we had barely reached the point that a typical face-to-face mediation might reach in the first hour.

Summarising, clarifying, paraphrasing and acknowledging emotions all take much longer over email, particularly when people are working and responding around other commitments.

By Thursday I found myself trying to move the mediation along with a growing sense of urgency. I still don't know whether that felt helpful or pressured for the parties. Perhaps, after months of stalemate, it was welcome. My instinct, though, is that people primarily want to feel heard, and at times I wasn't able to give conversations the space I would usually allow because the clock was always ticking.

That said, we did reach an agreement before the deadline, and I suspect the structure and momentum helped the parties move beyond a situation that had been stuck for some time.

So, would I mediate like this again?

Yes.

Not because it's my preferred way of working. I will always prefer sitting with people and having conversations in real time. But because it enabled someone to access mediation who otherwise couldn't.

As mediators, we often encourage parties to think creatively and adapt when circumstances require it. I think we should expect the same of ourselves. Sometimes that adaptation will feel unfamiliar or imperfect, but if it makes mediation accessible to people who would otherwise be excluded, it is worth the effort. The alternative is to say, "This process isn't for you," and I don't think that's an answer we should be too quick to give.

Alan Jeffrey is the senior mediator at Cyrenians Mediation and Whole Family Support service with over a decade of experience in the area of conflict resolution. As a graduate of the MSc in Mediation and Conflict Resolution, Alan maintains a relationship with the University of Strathclyde in his role as one of the lead mediators with Strathclyde Mediation Clinic.

Ministerial Visit to Strathclyde Mediation Clinic

News Release 07/07/26

Minister hears how mediation is reducing pressure on Scotland's courts

Kirsten Oswald, Minister for Victims and Community Safety, visited the University of Strathclyde Mediation Clinic today to learn how mediation is helping people and businesses resolve disputes without the time and expense of court proceedings.



The Clinic provides free mediation for Simple Procedure cases in 35 of Scotland's 39 sheriff courts. During her visit, the Minister met mediators delivering the service and heard examples of how negotiated settlements have benefited court users while reducing pressure on the justice system.

Ms Oswald also met Clinic Director Charlie Irvine and Coordinator Pauline McKay. They outlined the progress made since the Scottish Government began funding the service in 2022.

From 2022-2026 the Clinic delivered 952 mediations and helped resolve 656 civil cases. The resulting reduction in court time is estimated to have generated savings of £843,282, compared with public investment of £399,734.

Dr Irvine highlighted the University's commitment to being "the place of useful learning", with students and mediators applying their skills to support communities across Scotland.

Victims Minister Kirsten Oswald said after the visit:

"The work of the University of Strathclyde Mediation Clinic demonstrates how mediation can help people and businesses to resolve civil disputes earlier, reducing stress and costs while easing pressure on the courts. The Scottish Government is backing free mediation services with funding of over £117,000 in 2026-27, along with a further £2,000 for the Clinic to host a symposium to support the continued development of mediation as a routine part of civil dispute resolution in Scotland."

Professor Adelyn Wilson, Head of Strathclyde Law School, added: *"It was an honour to host the Minister at Strathclyde Law School, and to introduce her to our colleagues and some of the mediators we work with through the Mediation Clinic. We are very grateful for the Scottish Government's continued support."*





Mediation Clinic at University of Strathclyde

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and the University of Strathclyde**

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