



Mediation Clinic Annual Report

2023

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Introduction from Director

Welcome to our Annual Report. 2022-23 has been another busy year for the Mediation Clinic, as you can read below. We continue to provide an important service to the Scottish justice system, helping largely unrepresented people work out practical resolutions to their disputes. The Scottish Government's continued (and increased) funding tells us how much that is appreciated by those responsible for it. At the same time those using our service have provided us with more and better feedback than ever, and I recommend reading their detailed comments in Appendix 5. We also continue to win awards, and I was delighted to learn that the Clinic won the Community Contribution Award at the Scottish Legal Awards last month.

At the same time the Clinic is part of a large university that aspires to be the "place of useful learning." Education is central to what we do, and it has been a huge pleasure to see generations of students, many of them now practitioners, build their skills and confidence working with real people on real cases. We continue to receive strong support from the Law School and the HaSS faculty.

In the pages that follow you will find a report from our Chairs, Alastair Sharp and Andrew Boyd; my own detailed report; one from our Coordinator, Pauline McKay; a new strategic plan; client feedback; and lots of numbers for the nerdy and interested. In case you are neither of those things, I will summarise some headlines:

- *Referrals received from courts:* **303**
- *Cases mediated:* **173**
- *Cases settled:* **117 (68%)**
- *Estimated saving to courts:* **£117,096**
- *Commonest case types* **Goods and services, unpaid bills**
- *Consumers v non-consumers* **142 (41%) v 204 (59%)**
- *Unrepresented v represented* **310 (90%) v 36 (10%)**

I am also honoured to announce the Ailie Barclay award for the student who completes the most cases in a year. More on this in my report, below. I'd like to dedicate this Annual Report and our AGM to her memory.



Charlie Irvine
Director, Mediation Clinic

About the Mediation Clinic

The Mediation Clinic is part of Strathclyde Law School. Assistant mediators are largely drawn from the LLM/MSc in Mediation and Conflict Resolution; undergraduates also volunteer to conduct intake calls and provide other support. Lead mediators are experienced practitioners who give generously of their time to mentor new mediators. Many are former students on the LLM/MSc course.

Strathclyde University is known as the 'place of useful learning' with the following values: bold, people oriented, innovative, collaborative and ambitious. While the Clinic's work reflects all of these values, it has been singled out by the Principal as an example of the university's commitment to being people oriented:

<http://www.strath.ac.uk/whystrathclyde/values/>

If you would like to become a supporter of the clinic, email us at: mediationclinic@strath.ac.uk

Mission Statement

'Promoting the quick, creative and peaceful resolution of disputes through mediation.'

The Clinic's objectives are:

- To promote access to justice by encouraging the use of mediation as a quick, affordable and effective means of conflict resolution;
- To provide a Centre of Excellence in mediation practice and education, where experienced practitioners work alongside, and supervise, those learning their craft;
- To provide a service to the community by making mediation available in selected Sheriff Courts, Tribunals and other venues in Scotland;
- To provide postgraduate mediation students with the opportunity of applying their academic learning by observing and participating in mediations;
- To provide qualified mediators and former students with the opportunity of gaining further experience in mediation;
- To encourage the legal profession to embrace mediation as a viable alternative to litigation in the resolution of disputes;
- To educate the public about mediation: how it works in practice and its potential in settling disputes quickly, cheaply and collaboratively.

Chairs' Report (2021-2022)

We welcome all members of the Clinic to the Annual General Meeting of 2023 which has been an eventful year. We have continued the approach of having Co-Chairs of the Clinic as it seems to work for both us and the Clinic administration itself. We hope that the general membership also agrees. The major workload does of course lie with Charlie Irvine as our Director and Pauline McKay as our Co-ordinator. Each performs the miracles often required whilst dealing with the University authorities and Government departments.

You will have their respective Reports at hand which demonstrates this. Charlie's Annual Report is a comprehensive document including all relevant and vital statistics demonstrating our progress over the year. We thank them both for their invaluable efforts on behalf of the Clinic. We also would wish to thank all members of the Board including our new members since the start of last year Eunice Olatunji, Oyinkro Olobio and Andrew Reid, and our three departing members after long and industrious service, Irene Murray, Elise Schwarz and Craig Cathcart. We also thank our team of Intake Workers who are a mixture of Undergraduate and Post Graduate Students.

The Clinic is dependent on such volunteers to continue to progress and develop and we already have a number of candidates keen to take their place. As can be seen from the Agenda the election of officer bearers is to be carried over to the First meeting following the AGM in accordance with practice. We would however like to thank Irene in particular for her sterling work as Secretary and Tom Scade for his equally important endeavours as our Treasurer. Together with Pauline they have been the engine room of our Flagship Clinic as she ploughs through the usually calm but sometimes choppy waters of Mediation in Scotland.

A few topics that we must specifically mention notwithstanding Charlies' and Pauline's comprehensive Reports.

1. **Scottish Legal Awards**

We are still basking in the glory of the Scottish Legal Awards where we achieved joint first place in the Community Contribution category. A party of 10 attended on behalf of the Clinic and an excellent evening was enjoyed by all culminating in your Chairs and Pauline facing the flashlights and loud (very) music that seems to be an integral part of such occasions as they mounted the stage to receive the fine award itself. Our thanks to all those who put together the application and of course to all members of the Clinic who made it possible.

2. **Ongoing Projects**

Two major topics have been subject of much discussion and debate during the course of the year namely the **Standards** under which the Clinic should operate, and the **Constitution** under which it should exist. These raise important issues and have hence progress slowly. Both have reached the stage of final formulation subject to adoption. Much work has been carried out by Craig Cathcart on the Constitution for which we give him our heartiest thanks as we do for all the work done by the Standards Committee who inter alia have been consulting (though Charlie) with Scottish Mediation as there is the obvious common ground to consider.

3. Fair Justice System for Scotland (FJSS)

This is an organisation set up by Silence Chihuri to further diversity in the Scottish Legal system. It held a Conference in the Signet Library during the year and your Co-chair Alastair Sharp attended together with Pauline for the half day conference which was well attended by many members of the Scottish legal Establishment. Silence has approached the clinic with a view to a joint programme and Charlie has had discussions with him as to a way forward. The matter is still at discussion stage, but FJSS is clearly a worthwhile organisation, and it is hoped we will be able to work with them in the future

4. Peacekeeping and Conflict Resolution Team (PACT)

This is an enterprise set up by Jonathan Rodrigues a former student of Charlie's who was hoping to be able to set up a coordination with the University and Clinic in his home country. After certain negotiations it was determined that such an arrangement was not feasible as suggested but our relationship continues and may well bear fruit in due course.

5. Mediation Matters!

Our newsletter "Mediation Matters" started last year continues to flourish. Our thanks to Patrick Scott for his hard work on producing this extensive tome and to all the Contributors who make it possible. Our congratulations also to Patrick as our former Chair on being appointed very recently to the Board of Scottish Mediation.

6. Annual Conference

We are all looking forward to our Annual Conference which this year is to be fully online. Many people do enjoy the interchange in person of a live event, but it has been decided that a well organised online event has significant advantages so this year (2024) there will be no sandwiches and sticky buns. We are still putting it together and looking for ideas so any suggestions as to topics and/or speakers are welcome.

7. Ailie Barclay

And finally, sadly in more ways than one, is the passing of Ailie. Carol is giving a tribute later, but I (your Co-chair Alastair Sharp) cannot allow this report to conclude without a small personal note. She was on Charlie's course with me and indeed Carol and others and we all struck up a lasting bond which included our little group visiting me in the Highlands on an annual basis until Covid struck. She was a lovely and quite simply marvellous person. She is greatly missed.

Alastair Sharp and Andrew Boyd

Co-Chairs: Mediation Clinic

10th October 2023

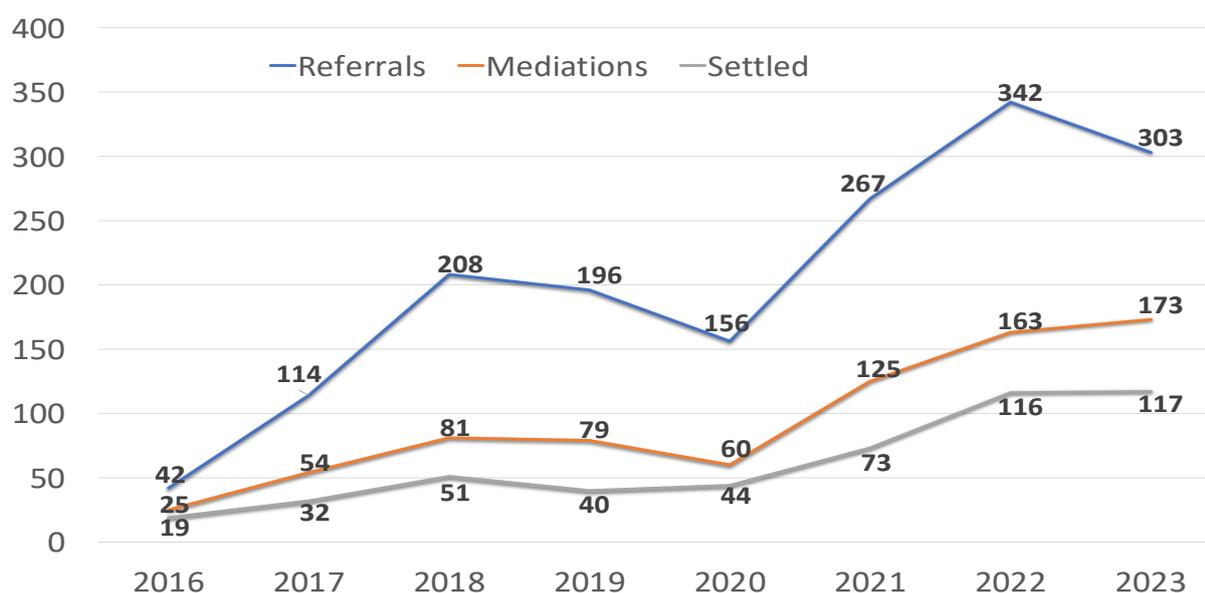
Director's Report

Thanks again to Andrew and Alastair as they complete their second year as joint chairs. 2022-2023 has been another busy year for the Clinic as we continue to work in the thick of the justice system, helping consumers and small businesses work out their own solutions to legal disputes.

The quantitative-efficiency story

I'd like to start with some figures, perhaps because they're a straightforward way to illustrate how much has been going on (see Appendix 1 for all the statistics).

Mediation Clinic referrals and mediations since 2016



We can see at a glance the increase in referrals when Simple Procedure was introduced in early 2017, and then again in 2021 after the pandemic normalised online mediation. The most recent two years have seen further growth, a tribute to some very hard-working mediators and the appointment of our full-time Mediation Clinic Coordinator, Pauline McKay, in March 2022.

In the past year, although the courts referred slightly fewer cases (303) we were able to mediate a higher proportion of referrals (173) and, of these, 117 settled (68%). The commonest case types were disputes over goods and services, building work, unpaid bills and motor vehicles. 142 mediation parties (41%) were consumers and 204 (59%) were involved in litigation in the course of a business or trade. 68% of claimants and 38% of respondents were consumers. Only 10% of claimants and 11% of respondents were represented. Taking these figures together we can see that Simple Procedure often involves disputes between consumers and businesses, but also involves businesses suing each other or their consumers. The relatively low proportion of represented parties, and our own experience, suggests that many of these businesses are small or even sole traders, including builders, small retailers and other tradespeople.

Looking at the big picture, since we began working with the courts in 2014, they have referred a total of 1,707 cases, of which 831 mediated and 544 settled. We recently began trying to estimate the saving to the Scottish courts when disputes do not need to continue to a hearing. There are no

available figures for the cost of court time in Scotland but in 2018 the Law Society in England & Wales¹ found it took £2,692 to operate a court for a day. Making some assumptions² we arrived at a saving of £861 for each case that does not proceed to a hearing. That would point to justice system savings of £486,384 based on the 544 settled cases, without taking account of benefits to the parties in terms of potential cost, time and anxiety.

The qualitative-justice story

There is, however, more to mediation than that. Carrie Menkel-Meadow distinguished “quantitative-efficiency grounds” for promoting mediation from “qualitative-justice grounds”³ noting that “cheaper and faster is not necessarily the same thing as better.”⁴ This year has made me more conscious than ever that the Mediation Clinic is part of an educational institution. As I outline below, the Scottish Government has chosen to renew its funding support for the Clinic and, in an exciting new development, has asked us to extend our online mediation service to many more courts across Scotland. In proposing this expansion the Justice Directorate made it clear that this decision flows in part from the Clinic’s dual role as a service provider and commitment to being a centre of excellence for mediation. They also recognise that mediation isn’t just about numbers – it’s also about the quality of what we do.

As well as providing a service to the public we want to deliver the best mediation we can. A university, with its commitment to critical thinking, is an ideal location for this. One of motivations for starting the Master’s programme at Strathclyde was to build a body of theory rooted in Scotland; my students’ early encouragement to start a mediation clinic pushed me into a building a centre for practice too. The overall hope is that the Clinic brings theory and practice together and put them at the service of the public. As well as noting how many “cases” we have completed this is a good moment to ask how well we are doing in terms of quality and justice.

The best place to start is with the feedback we receive from mediation participants. In the past year nearly one hundred people have taken the time to complete our online survey and the results make fascinating reading – for the full report see Appendix 5, below. The great majority are clearly positive about the mediators, with almost all agreeing or strongly agreeing that they clearly explained what was involved, understood the issues and were fair and impartial. When it came to the outcome there was more of a spread of responses, with around a tenth disagreeing or strongly disagreeing that they were satisfied, and around a fifth that the result was fair. The most equivocal response of all concerned improving relations with the other party, with the largest subset neither agreeing nor disagreeing and only slightly more agreeing than disagreeing that this had happened. We can speculate about the reasons but, given the subject matter of many of our cases, it is perhaps not entirely surprising. When someone raises an action against another individual or a small business their main goal is almost certainly expressed in monetary terms, and Simple Procedure is not set up for anything else.

This is confirmed by the detailed responses to questions 15-17. One said their hope was: “a fair cash settlement” and it is clear that getting payment, sometimes full payment, is what a good many hope for. Some seemed quite pessimistic about their chances before the mediation took place.

¹ See <https://www.lawsociety.org.uk/topics/research/cost-of-day-in-court-new-analysis-by-law-society>

² a) Scotland is similar; b) Simple Procedure hearings last an average of two hours; c) Only 80% of the cases not settling will proceed to a hearing. This leads to a figure of $(£2,692 \times 40\%) = £1,076.80 \times 80\% = \underline{£861}$ per case.

³ Menkel-Meadow, C. (1991) Pursuing settlement in an adversary culture: a tale of innovation co-opted or ‘the law of ADR’. *Florida State University Law Review*, 19(1), pp. 1–47, p. 6.

⁴ *Ibid*, p. 10.

Their assessment of what mediation achieved go further. A number of people express satisfaction with the money paid and some pronounce it “fair.” Twelve simply said “settlement.” Others demonstrate a more subtle assessment of risk, weighing up the time, hassle and prospects for success if they had to return to court. The overwhelming majority are positive about it.

Over forty years ago two American researchers posed the question: “why do one-third of the litigants agree to settlements that they later claim to be *unfair*?”⁵ Our survey responses offer some insights into the same phenomenon from our own clients. Mediators reading the comments could note dissatisfaction with a rather too obvious solution of a “meet in the middle” settlement, particularly if they sensed pressure from the mediators to move in that direction. Some participants clearly had hopes beyond paying or being paid, such as improved customer service or “the truth” coming out. Some wanted to receive the full amount, suggesting anything short of that would have been a disappointment. I was also struck by the person who said “Nothing – a waste of 4 hours of everyone’s time.” Having just submitted my PhD looking at the same issues I learned just how important it is to mediation parties to get some sort of outcome. Although one response felt something positive had come out of a mediation that didn’t settle, most did not. Something appears to be better than nothing, for most people.

Having said all that, the final question about ideas for improvement suggests our mediators are generally doing an excellent job that is very much appreciated by our clients. That also reminds me of one of the findings from my thesis: the “good enough” settlement. For a great many people mediation’s value comes from a combination of pragmatism (getting a good enough result) and principle (getting what I deserve). Mediators are perpetually navigating the blurry line between them, and most of the time seem to do it pretty well.

Scottish Government funding

As I mention above, the Clinic has just had confirmation of additional funding. Since Scottish Government began contributing to our work in West and Central Scotland, I’ve been aware that they are troubled by a “postcode lottery.” Our services in 18 courts, along with the Legal Aid Board funded project in Lothian and Borders, mean that people who are referred to mediation can access a free service in four of Scotland’s six sheriffdoms, and part of a fifth.

Just before the summer the Justice Directorate approached the Clinic and asked if we would be willing to expand our service to cover the remaining courts. There are 39 in all, and the Edinburgh Sheriff Court Mediation Service covers 4, meaning we would be offering mediation in another 17 courts, including some of the most remote. The offer builds on the success of remote mediation and recognises that the Clinic’s system works well. After some discussion we accepted. The funding will enable us to expand the number of mediations taking place by employing a new Service Delivery Administrator and paying for more mediations each year. The advertisement for the new post has just come out and I look forward to working with Pauline and all our mediators to promote this service across Scotland.

⁵ McEwen, C. A. and Maiman, R. J. (1981) Small claims mediation in Maine: an empirical assessment. *Maine Law Review*, 33, pp. 237–268, 259.

Finally, I'd like to thank all the mediators. Every single case requires energy, time, subtlety, skill, and patience and I never take for granted how much work goes into helping such a high proportion of our clients reach settlements they can live with. This is not easy. I'm continually amazed at mediators' resourcefulness and capacity to learn, and I look forward to working with many more in the years to come.

I finish by paying tribute to one of our first and busiest mediators, Ailie Barclay. A graduate of the LLM in Mediation and Conflict Resolution, Ailie sadly passed away in June and we greatly miss her. For several years Ailie volunteered both as a mediator and as board member and provided a great deal of wise counsel to Pauline and me. In her honour we have inaugurated a prize for the student mediator who completes the most cases in the previous year. This year's winners, sharing top spot, are Oyinkro Olobio and Alan Jeffrey. It seems a fitting tribute to Ailie to celebrate the next generation of mediators in her name.

Charlie Irvine
Director

Co-ordinator's Report

Fresh off the back of another win in the Community Contribution category for the Mediation Clinic at the [Scottish Legal Awards](#), we've had another busy year. Thanks to the [Scottish Government](#) we have been able to continue offering our service to 18 different Sheriff courts throughout Scotland. Additional funding will allow us to offer to more courts throughout Scotland in the coming months.

Looking back, as can be drawn from the figures, our referrals are still high; and an important part of moving the mediation process forward is our Intake Process (speaking with each party in dispute before going forward for mediation). We provided training for Undergraduate and Postgraduate students to assist with this process. The students tell us they enjoy volunteering, and it provides experience in dealing with parties involved in real-life disputes. Training is again due to take place in October 2023 and we value their assistance in dealing with our increasing caseload.

In March 2023, our 3rd Annual Mediation Clinic conference was hybrid for the first time, and it was a great success with over 50 attendees in person and online. Work is already underway on the 4th Mediation Clinic Annual Conference which will take place online only during March 2024.

Our process whereby there is an allocated mediator to a specific court continues to work well. We do not underestimate the amount of additional work this is for the mediators and would like to thank them for all their assistance. This has reduced the burden of intake from the Clinic support staff. Recent data showed that engagement in mediation is on par with those cases taken by the Clinic.

At present the Clinic has a membership of 60 with mediators based in the UK and overseas and application is currently closed to all but new Strathclyde students. We have been able to offer practical experience to a broad range of newly qualified mediators who hope to continue their mediation journey with us.

An extension of funding from [SafeDeposits Charitable Trust](#) allows us to offer assistance to private rented tenants and landlords in the midst of dispute and we are investigating various avenues to increase the demand for referrals.

An important step for us this year is developing the International Mediation Clinic Network which sees members from India, Canada, Germany, Czech Republic, Lithuania, Ireland, England, and Scotland. We are keen to move this forward and hopefully involve colleagues in the next Mediation Clinic Conference.

We have also seen the Clinic move towards updating our practice standards and developing our Strategy. The next step is our 5-year plan.

The Clinic offers a work placement to Year 3 LLB students as part of their Work Placement Module. Megan Sharp is working in the Clinic 1 day a week in Semester 1 and getting to know our mediators and processes as well as liaising with the parties. We hope this valuable experience will inspire her to volunteer at the Clinic and take mediation forward in her law career.

Finally, although we have lost our much-needed Mediation Clinic Assistant post, thanks to funding from the Scottish Government, we are in the process of recruiting an administrator to help deal with the demands of an increase in service across Scotland. Watch this space.

Pauline McKay
Mediation Clinic Co-ordinator

Appendix 1: Mediation Clinic Stats: October 2022 – September 2023

	Glasgow & Strathkelvin	North Strathclyde					
SIMPLE PROCEDURE REFERRALS FROM October 2022 - September 2023	Glasgow Total	Campbelltown/ Dumbarton	Dunoon	Kilmarnock	Oban	Paisley	North Strathclyde Total
No of Referrals	22	3	3	89	2	18	115
No of Referrals that turned into cases	17	0	3	61	2	8	74
No of Cases that Mediated	15	0	3	61	2	7	73
No of Cases that Settled on the day	11	0	3	44	2	4	53
No of Cases that Settled after mediation	0	0	0	1	0	0	1
Total Settled	11	0	3	45	2	4	54
No of Cases that did not settle	4	0	0	15	0	3	18
No of Cases Partial Settlement	0	0	0	0	0	0	0
Mediation Case Paused for more information	0	0	0	0	0	0	0
No of Cases Settled without Mediation	2	0	0	5	0	1	6
No of Cases Mediated but pending outcome	0	0	0	1	0	0	1
No of Cases Mediated by Zoom	14	0	2	56	2	6	66
No of Cases Mediated by Telephone Conference	1	0	0	4	0	0	4
No of Cases Mediated by Zoom/Email/Telephone	0	0	0	1	0	1	2
No of Cases Mediation by Shuttle Telephone	0	0	0	0	0	0	0
Face to Face	0	0	1	0	0	0	1
Unsuitable for Mediation	1	1	0	0	0	1	2
% of Cases from Referrals	77%	0%	100%	69%	100%	44%	64%
% of Cases that mediated	88%	0%	100%	100%	100%	88%	99%
Settlement rate %	73%	0%	100%	75%	100%	57%	75%
No of Cases - no response from either party	0	0	0	1	0	0	1
No of Cases that did not mediate - but contact from one party	0	1	0	3	0	2	6
No of Cases that did not mediate as claimant withdrew/declined	0	0	0	2	0	1	3
No of Case that did not mediate as respondent withdrew/decline	1	0	0	1	0	2	3
No of Cases that did not mediate used alt service	0	0	0	0	0	0	0
No of Mediations to be arranged	1	0	0	0	0	0	0
No of Mediations arranged by not yet taken place	1	0	0	0	0	1	1
No of intakes in progress	0	1	0	0	0	3	4
No of Party Action Required in progress	0	0	0	0	0	1	1

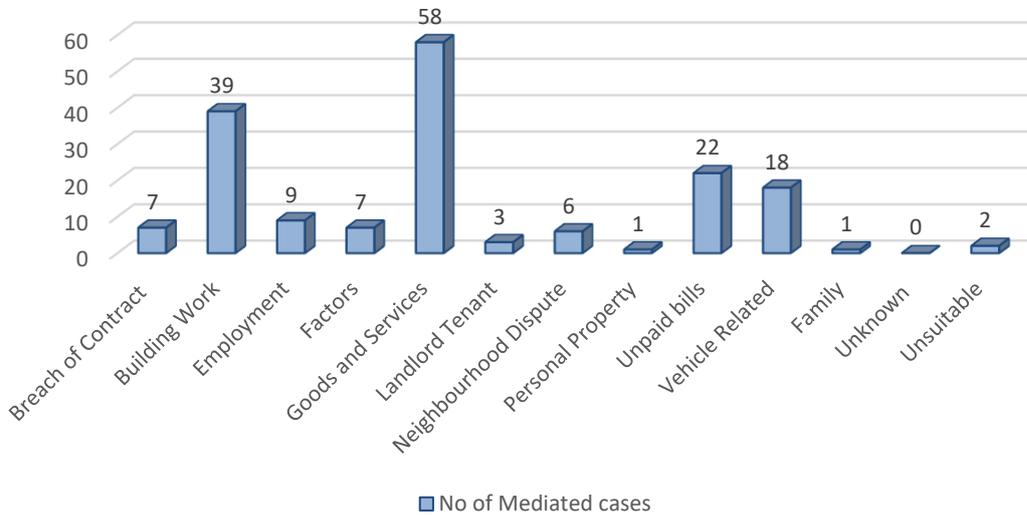
	South Strathclyde						
SIMPLE PROCEDURE REFERRALS FROM October 2022 - September 2023	Airdrie	Ayr	Dumfries	Hamilton	Lanark	Stranraer	South Strathclyde Total
No of Referrals	32	19	44	24	21	2	142
No of Referrals that turned into cases	19	13	25	10	11	1	79
No of Cases that Mediated	17	12	21	10	11	1	72
No of Cases that Settled on the day	10	4	11	6	9	1	41
No of Cases that Settled after mediation	0	2	0	1	0	0	3
Total Settled	10	6	11	7	9	1	44
No of Cases that did not settle	7	6	10	3	2	0	28
No of Cases Partial Settlement	0	0	0	0	0	0	0
Mediation Case Paused for more information	0	0	0	0	0	0	0
No of Cases Settled without Mediation	3	0	4	1	3	0	11
No of Cases Mediated but pending outcome	0	0	0	0	0	0	0
No of Cases Mediated by Zoom	17	11	21	10	11	1	71
No of Cases Mediated by Telephone Conference	0	1	0	0	0	0	1
No of Cases Mediated by Zoom/Email/Telephone	0	0	0	0	0	0	0
No of Cases Mediation by Shuttle Telephone	0	0	0	0	0	0	0
Face to Face	0	0	0	0	0	0	0
Unsuitable for Mediation	0	1	1	1	1	0	4
% of Cases from Referrals	59%	68%	57%	42%	52%	50%	56%
% of Cases that mediated	89%	92%	84%	100%	100%	100%	91%
Settlement rate %	59%	50%	52%	70%	82%	100%	61%
No of Cases - no response from either party	0	0	0	1	1	0	2
No of Cases that did not mediate - but contact from one party	5	3	4	5	1	0	18
No of Cases that did not mediate as claimant withdrew/declined	1	2	3	0	0	1	7
No of Case that did not mediate as respondent withdrew/decline	2	0	2	1	0	0	5
No of Cases that did not mediate used alt service	0	0	0	0	0	0	0
No of Mediations to be arranged	2	0	1	0	0	0	3
No of Mediations arranged by not yet taken place	0	1	3	0	0	0	4
No of intakes in progress	0	0	2	0	0	0	2
No of Party Action Required in progress	1	0	0	0	0	0	1

	Tayside, Central and Fife						
SIMPLE PROCEDURE REFERRALS FROM October 2022 - September 2023	Alloa	Falkirk	Dunfermline	Kirkcaldy	Stirling	T, C & F Total	TOTAL SIMPLE PROCEDURE
No of Referrals	7	9	0	0	8	24	303
No of Referrals that turned into cases	5	4	0	0	7	16	186
No of Cases that Mediated	5	3	0	0	5	13	173
No of Cases that Settled on the day	1	3	0	0	4	8	113
No of Cases that Settled after mediation	0	0	0	0	0	0	4
Total Settled	1	3	0	0	4	8	117
No of Cases that did not settle	4	0	0	0	1	5	55
No of Cases Partial Settlement	0	0	0	0	0	0	0
Mediation Case Paused for more information	0	0	0	0	0	0	0
No of Cases Settled without Mediation	0	0	0	0	0	0	19
No of Cases Mediated but pending outcome	0	0	0	0	0	0	1
No of Cases Mediated by Zoom	4	3	0	0	5	12	163
No of Cases Mediated by Telephone Conference	0	0	0	0	0	0	6
No of Cases Mediated by Zoom/Email/Telephone	0	0	0	0	0	0	2
No of Cases Mediation by Shuttle Telephone	0	0	0	0	0	0	0
Face to Face	1	0	0	0	0	1	2
Unsuitable for Mediation	0	1	0	0	0	1	8
% of Cases from Referrals	71%	44%	0%	0%	88%	67%	61%
% of Cases that mediated	100%	75%	0%	0%	71%	81%	93%
Settlement rate %	20%	100%	0%	0%	80%	62%	68%
No of Cases - no response from either party	0	0	0	0	0	0	3
No of Cases that did not mediate - but contact from one party	1	1	0	0	1	2	26
No of Cases that did not mediate as claimant withdrew/declined	0	1	0	0	0	1	11
No of Case that did not mediate as respondent withdrew/decline	0	0	0	0	0	0	9
No of Cases that did not mediate used alt service	0	0	0	0	0	0	0
No of Mediations to be arranged	0	0	0	0	1	1	5
No of Mediations arranged by not yet taken place	0	1	0	0	1	2	8
No of intakes in progress	1	0	0	0	0	1	7
No of Party Action Required in progress	0	0	0	0	0	0	2

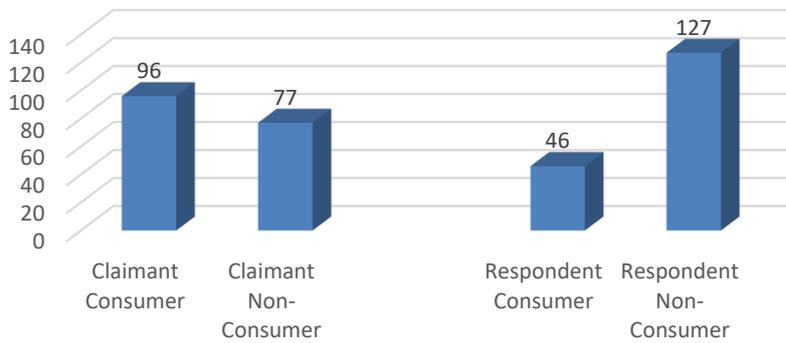
Non-Simple Procedure Cases

OVERALL ENQUIRIES FROM OCTOBER 2022 - SEPTEMBER 2023				TOTAL	Type of case	Nos
Referral From	Law Clinic	CAB	Self		Breach of Contract	0
No of Referrals	2	2	27	31	Building Work	1
No of Referrals that turned into cases	0	0	2	2	Employment	2
No of Cases that Mediated	0	0	2	2	Factors	11
No of Cases that Settled on the day	0	0	2	2	Goods and Services	6
No of Cases that Settled after mediation	0	0	0	0	Landlord Tenant	3
Total Settled	0	0	2	2	Neighbourhood Dispute	4
No of Cases that did not settle	0	0	0	0	Personal Property	0
No of Cases Partial Settlement	0	0	0	0	Unpaid bills	1
No of Cases Mediated by Zoom	0	0	1	1	Vehicle Related	0
No of Cases Mediated by Telephone Conference	0	0	1	1	Family	1
No of Cases Mediated by Zoom/Email/Telephone	0	0	0	0	Fraud / Police Involvement	1
No of Cases Mediation by Shuttle Telephone	0	0	0	0	Health	1
Face to Face	0	0	0	0	Total	31
Unsuitable for Clinic Mediation	0	0	6	6		
Settled without mediation	0	0	1	1		
No of Cases - no response from either party	0	0	0	0		
No of Cases that did not mediate - but contact from one party	1	1	8	10		
No of Cases that did not mediate as claimant withdrew/declined	0	0	4	4		
No of Case that did not mediate as respondent withdrew/decline	1	0	3	4		
No of Cases that did not mediate used alt service	0	0	2	2		
No of Mediations to be arranged	0	0	0	0		
No of Mediations arranged but not yet taken place	0	0	0	0		
No of intakes in progress	0	1	0	1		
No of Party Action Required in progress	0	0	1	1		

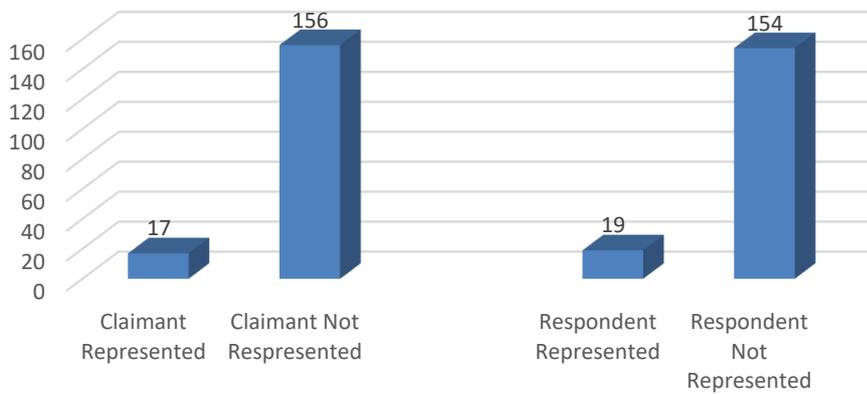
Type of Simple Procedure Cases Mediation



Overall: Consumer / Non-Consumer



Overall: Represented/Not-represented



Appendix 2: Financial Summary

Appendix 2: Financial Summary

Scottish Government Funding (Main Project K900261)

Allocation for the Period January 2022 – March 2023 (15 months)

Total Allocation at 24/03/2022: £71,559.00

The above amount has been divided into two separate accounts:

Main Salaries (£55,934) and Mediator Payments (£15,625)

15410K220440-101 Main Salaries

Balance 09/05/2022 £55,934.00

Less Salary Payments (March – September 2022) £26,778.36

Balance 30/09/22 £29,155.64

Less Salary Payments (October 2022 – March 2023) £30,933.82

Balance and close of account 30 September 2023 **-£1778.18**

15410K220440-102 Mediator Payments

Balance at 06/06/2022 £15,625.00

Less Mediator Payments (May – August 2022): £ 9531.82

Balance in Mediator Payments at 30/09/2022 £ 6093.18

Less Mediator Payments (September 2022– March 2023) £18,242.72

Balance at 31 March 2023 -£12,149.54

Add Faculty contribution to overspend £9841.60

Balance and close of account 30 September 2023 **-£2307.94**

Total Balance from Total Allocation at 30/09/2023 **-£4086.12**

Please note the Faculty has agreed to support any over-spend.

Scottish Government Funding (Main Project K900261)

Allocation for the Period April 2023 – March 2024 (12 months)

Total Allocation at 01/04/2023: £64,257.00

The above amount has been divided into two separate accounts:

Main Salaries (£47,257) and Mediator Payments (£17,000)

15410K230639-101 Main Salaries

Balance 09/05/2022	<u>£47,257</u>
Less Salary Payments (May – September 2023)	£20,239.46
Balance 30/09/23	<u>£27,017.54</u>

15410K230639-102 Mediator Payments

Balance at 01/04/2023	<u>£17,000</u>
Less Mediator Payments (May – September 2023)	£ 9,072.40
Balance at 30/09/2023	<u>£ 7,927.60</u>

Mediation Clinic General Budget: 15410 GEN 1351 - 113

Balance at 30/09/2022	£5,192.34
Less transactions (October 2022 – September 2023)	
KD Media	£1416
Mediator payment	£359.18
Gift	£59.53
Catering	£286.60
Insurance	£352
Print charges	£360
	£2,833.31
Balance at 30/09/2023	<u>£2359.03</u>

Housing Project - K171558-101

Overall Housing Project Budget

Income from SafeDeposits Scotland Trust (All Awards)		£50,045.00
Expenditure	£45,688.60	
Balance		<u>£ 4,356.40</u>

Arab Mediation Centre (AMC) - K680130-101

Balance at 06/09/2022		£8,475.84
Less Student Assistant Salary: (Sept 22 – May 2023)	£5,629.13	
Balance at 30/09/2023		£2,846.71

.....

Mediation Clinic Conference Account – K720059-101

Income from Conference 18/03/2023		£2,900
Expenditure	£1,488.41	
Balance at 30/09/2023		£1,411.59

Appendix 3: Strategic Plan

Strathclyde University Mediation Clinic

Strategic Plan 2023 – 2028

Summary

This paper sets out the Mediation Clinic strategic plan for 2023 to 2028. Reading left to right, it sets out four strategic objectives, accompanied by a brief descriptor and a further explanation of the rationale and context from which each was developed.

The strategic plan allows thought and planning to take place on how our objectives can be achieved. Operational measures and performance indicators will be set against each objective, allowing better governance. In a few steps, we can go from a wide vision to operational planning. While our operational goals may change over time, the overarching strategic objectives provide coherence and continuity of purpose. A side benefit is that along the way we will identify what needs to change.

Our strategy also helps embed our culture – a way of doing things. It helps us build resilience and gives us an identity beyond the personalities who from time to time are involved in it. Finally, the strategy helps us tell our story and communicate our purpose to stakeholders, in a language they will understand.

As a part of University of Strathclyde our strategy aligns with our parent institution’s vision, mission, and strategic plan, summarised in Appendix A.

Our plan is expressed in four strategic objectives: to educate, collaborate, strengthen, and develop.

Four strategic objectives

The four objectives are set out in the table below, along with a brief descriptor of their meaning and purpose.

Objective	Descriptor	Context
Educate	<p>We will provide a centre of excellence in mediation practice and education</p> <p>We will enhance the student experience by providing real world mediation observation and practice</p> <p>We will enhance the transferable skills of our students by giving them quality assured experiential learning</p> <p>Within the university we will raise awareness of our existence and the value we add</p> <p>We will educate the public about mediation; how it works in practice, and its ability to settle disputes quickly and constructively</p> <p>We will encourage the legal profession to embrace mediation as a viable alternative to litigation in the resolution of disputes</p>	<p>The Clinic is part of University of Strathclyde, and its founding purpose was and is to provide real world mediation experience to students.</p> <p>The university seeks to develop graduates who are engaged, enquiring, enterprising, and ethically and globally aware. By allowing the students both to observe and then apply their learning, we broaden their range of encounters. Allowing students to witness and engage with real world disputes enhances their awareness of the complexity of the human condition.</p> <p>Our mission to educate now stretches beyond the university. Through our work, we seek to raise awareness of mediation among the general public, within the legal system, and into communities currently under-served by mediation.</p> <p>This education starts with the parties to the mediation, many of whom may have no prior knowledge or experience of it. Their engagement with the process is a teachable moment.</p> <p>This objective links to UofS Strategic Goal 1: outstanding education and student experience, and Goal 3: transformative innovation and impact. It also connects to the institutional value of being people oriented.</p>

Objective	Descriptor	Context
Collaborate	<p>Our ethos is by definition collaborative</p> <p>We will engage with all stakeholders in a co-operative way</p> <p>We will provide an interface for knowledge exchange between those with different levels of mediation experience</p> <p>We will approach all negotiations with a view to creating value and fostering mutual gain</p>	<p>We recognise the benefit of connection. Our stakeholders include the university, government, Scottish Mediation and the civil courts. Operationally we connect to students, clinic mediators, and of course the parties.</p> <p>Many of those involved in the clinic are alumni of the mediation programme, and there is a wider network of alumni with whom we might want to connect.</p> <p>We are also increasingly on the radar of other organisations from whom referrals may be made or opportunities for service provision may arise.</p> <p>This objective links to the UofS institutional value of being collaborative.</p>
Strengthen	<p>We will demonstrate our usefulness and enhance our reputation through our work.</p> <p>We will seek stable funding sources.</p> <p>We will consolidate before we expand.</p>	<p>We are mindful of our core educational purpose, and that our existence is indissolubly linked to the university.</p> <p>We also recognise that we have a symbiotic relationship with the civil justice system, creating both opportunities and commitments.</p> <p>While we will always engage positively with opportunities to expand our activities, we will not seek growth for its own sake nor stretch ourselves beyond our means.</p> <p>This links to UofS strategic goal 5: operational excellence.</p>
Develop	<p>We will work in a way that is reflective, responsive and flexible.</p> <p>We will encourage diversity and equal opportunities. We aspire to reflect the makeup of the society we serve.</p> <p>Based on experience, we will build expertise and resources in online mediation.</p> <p>We will challenge ourselves to continuously improve.</p> <p>We are always open to learn more.</p>	<p>We recognise the changing world in which we live, and so the need to be adaptive in all we do. From the political, economic and social macro-environments to developments in the Scottish civil justice system, we must be ready to deal with changes that may not be of our own making.</p> <p>We will reflect on our activities, informed by the views of stakeholders.</p> <p>We will be prepared to be challenged and to challenge ourselves; to do differently and better for the good of all.</p> <p>This objective links to SU Strategic Goal 3: transformative innovation and impact. It also connects to the institutional values of being bold and innovative.</p>

Appendix A University of Strathclyde strategic plan 2020-2025



Appendix 4: List of Members

Staff

Charlie Irvine	Director
Pauline McKay	Co-ordinator

Board Members: 2022-2023

Charlie Irvine	Director
Andrew Boyd	Joint Chair
Alastair Sharp	Joint Chair
Irene Murray	Secretary
Thomas Scade	Treasurer
Craig Cathcart	
Pauline McKay	
Eunice Olatunji	
Oyinkro Olobio	
Linn Phipps	
Andrew Reid	
Elise Schwarz	

Intake Workers 2022-23

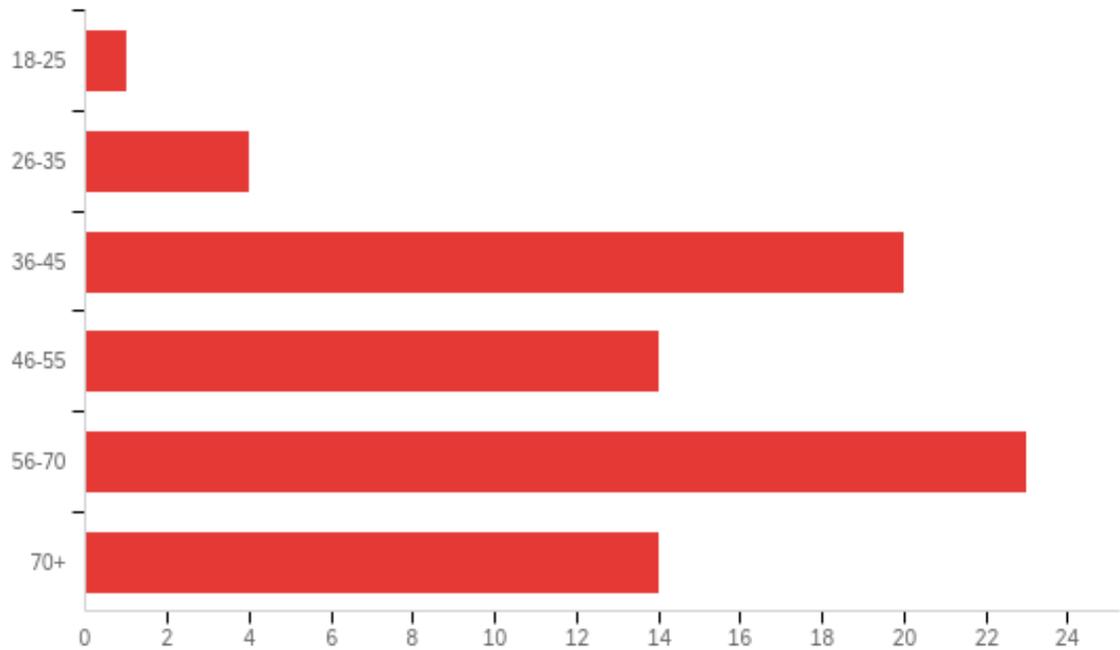
Anju Babu	Undergraduate Student
Elise Marshall	Undergraduate Student
Pauline McKay	Mediator
Shahida Mukit	Undergraduate Student
Ceejay Scullion	Undergraduate Student
Andrew Reid	Postgraduate Student
Leon Watson	Postgraduate Student

In total there are 60 mediators within the Clinic.

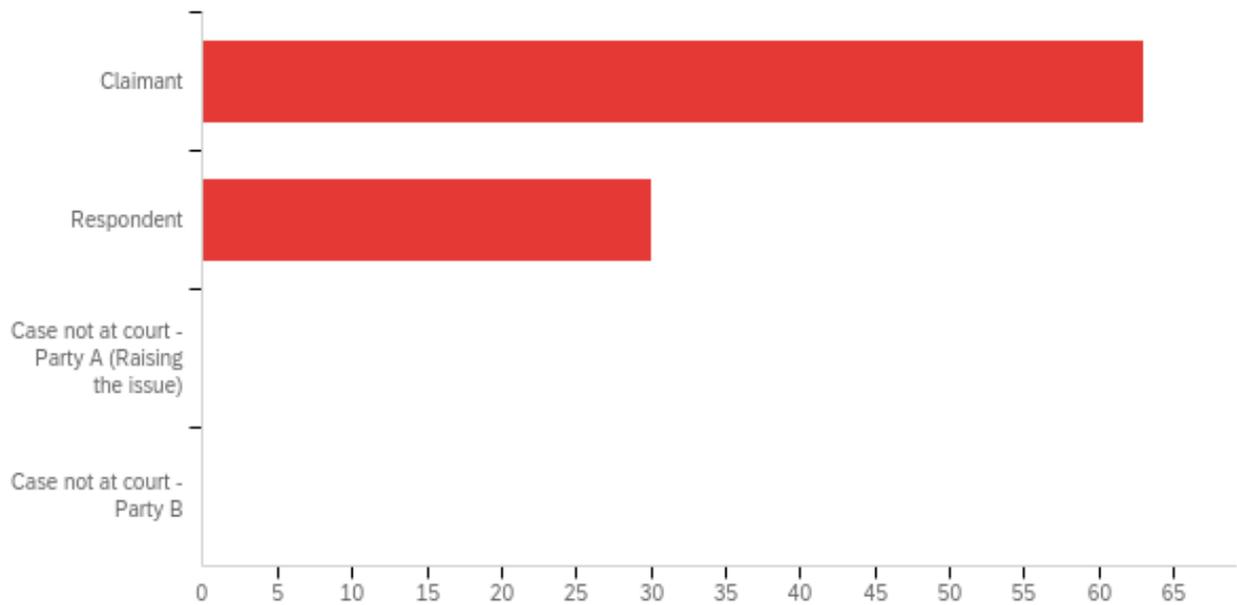
Appendix 5: Mediation Clinic: Feedback from Online Survey

October 2022- September 2023

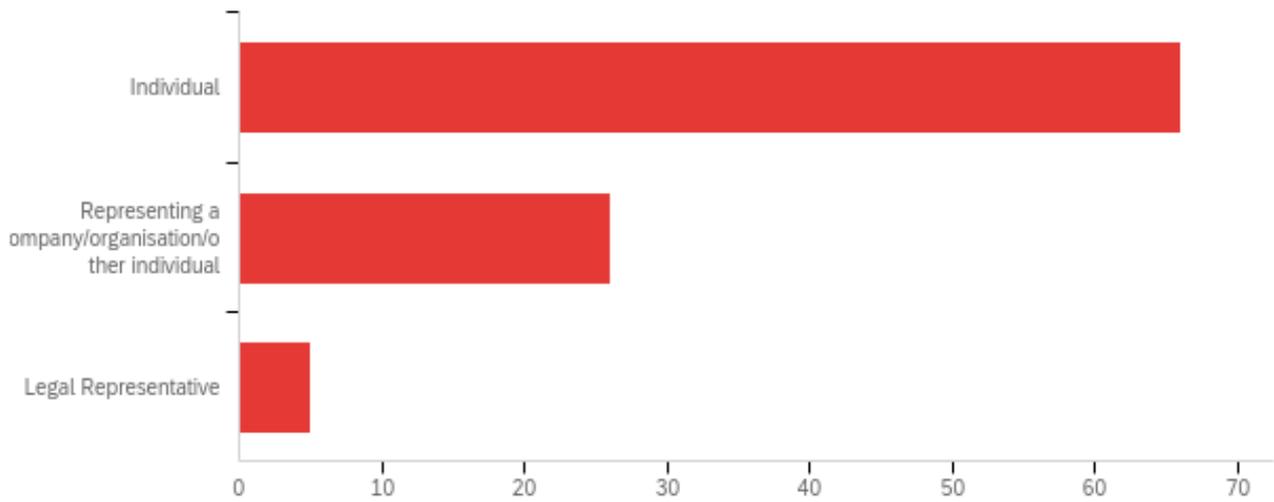
Q1 - Age range



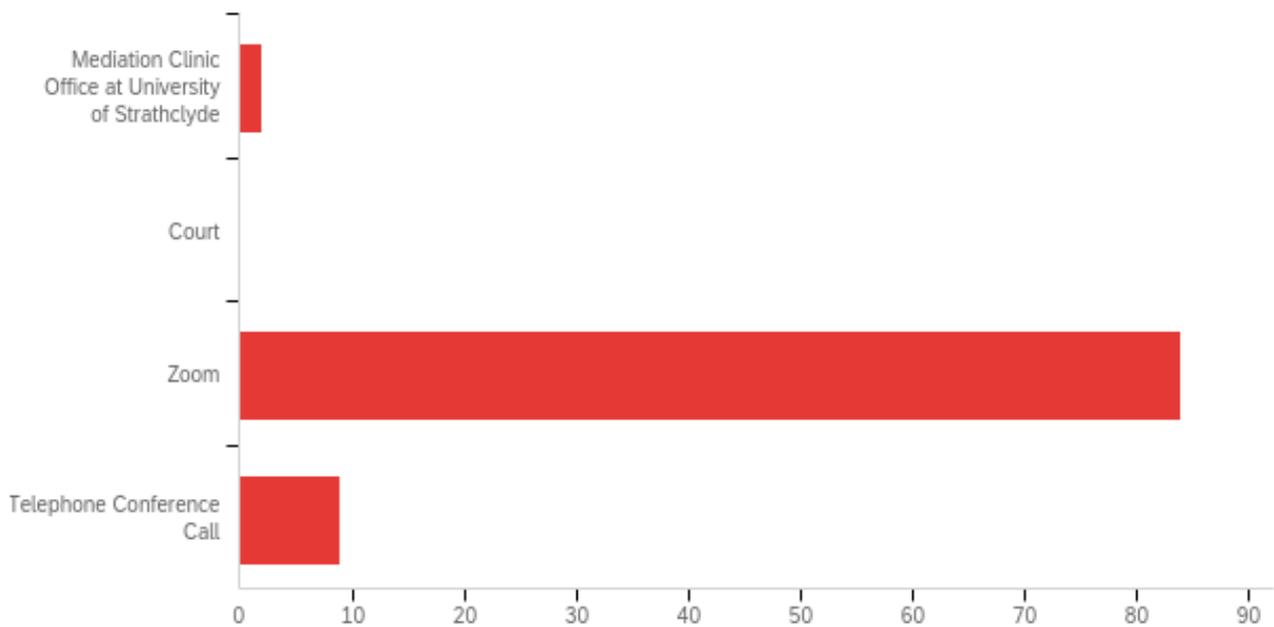
Q2 - Were you the Claimant or the Respondent in this action?



Q3 - Were you involved in the case as an individual or representative of an organisation?



Q4 - Where did the mediation take place?



Q5 - Would you have preferred a face-to-face mediation session? If so, why? If not, why did you prefer the mediation that you experienced?

I preferred zoom - no travel which is added expense

Yes. I can't concentrate with flicking about here there and everywhere. And the zoom failed at times

No. Online is much more convenient and less awkward.

I think I was only offered remote mediation.

It was less daunting and more controlled by the mediator. the fact that both parties could speak with the mediator privately was beneficial and helped the process go more smoothly.

It was more convenient and time saving to have a Telephone Conference Call.

No. if mediation takes place in person, it could very easily go wrong.

No, it actually worked better via Zoom as it stopped the session getting too heated and stopped people talking over each other. Which allowed things to run smoother and more harmoniously.

I was happy with the zoom session and Patrick and Pauline were so kind and considerate and made me feel at ease.

No x 10; Yes x 2

No, the Zoom meeting was perfect.

Yes; zoom was difficult, possibly reception issues

Yes, I would have preferred face to face because the respondent could have been being coached by a third party out of side in the safety of his own home.

Would have preferred face to face - small problems with IT issues. I feel it is better to meet face to face

Over Zoom was suitable. The process was quicker. Zoom saves a lot of travel time etc.

I would have preferred face to face. The other party has an emotional shield in any other meeting form.

Yes. Face to face, in my opinion, is less stressful.

Having experienced today's Zoom meeting, I see this as my preferred method of mediation.

More convenient and good with the breakout rooms

Worked well and saved any travelling

No. Safety reasons.

Zoom was fine. No need for travel and was at ease at all times.

There was no option, however, had I been given the choice, I would have preferred face to face

No. I felt at ease in my own home. I am clinically vulnerable and have been advised to continue to shield.

It was more convenient for both parties

We would have been happy either face to face, by video conference, or by the telephone conference which we had this mediation

face to face- felt that the respondent could avoid issues

I wouldn't have minded either way

it was my 1st & only mediation; enjoyed the process

No preference, albeit Zoom because I think that's less stressful to all involved.

Face to face may be simpler for the mediator but more uncomfortable for other others. Convenience and time to arrange may favour zoom/Tele calls.

I would not have preferred a face-to-face session. I feel it would have been more intimidating. It would also involve travel and take up much more time.

It was the only option available

No I preferred Zoom because I think that's less stressful to all involved.

Face to face can be a little intimidating for either party, in this case it was for the comfort of the claimant that was important.

Preferred zoom session, as could fit it around working from home

Yes, issues with zoom audio and mic. Worked on laptop when testing but not when in meeting

No, I was happy on zoom I think I would have been more nervous if in face!

Zoom was good as I could deal with work in between wait times.

No because it was easier to speak on Zoom. Would have been uncomfortable meeting the claimant face to face.

By having a zoom call it was very straight forward and it saved time out of the office.

Feel that Zoom and the use of breakout rooms is actually better than F2F, and a lot less cost involved for travel etc.

Zoom meeting is much less confrontational and allows both parties to consider responses without feeling pressure.

A tremendous experience; as good as a face-to-face session.

Happy with zoom x 3

No preferences x 4

no Zoom mediation saves time and equally effective

No, Zoom was much better due to friction with the Respondents

No preferred the breakout rooms as this helps us have time to think and prepare etc.

No- Zoom IS face to face

No preference, online was ideal to save time and further expenses with travel had the meeting been in person.

No face to face due to nature if the people involved in case

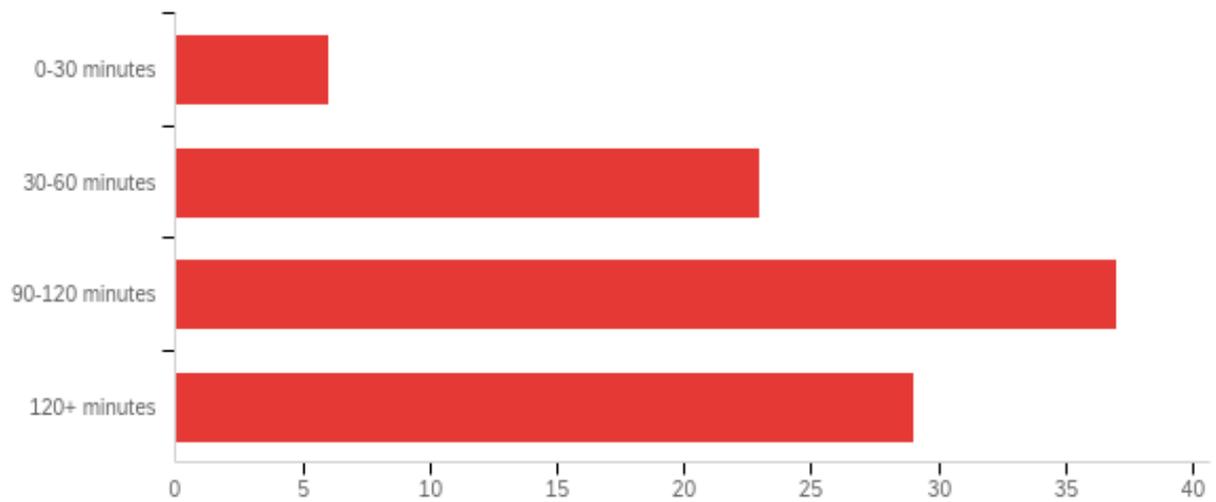
Initially I felt face to face would have been better as it would be a more controlled environment. Turns out Zoom worked very well

No easy over Zoom. No, time constraints/efficiency.

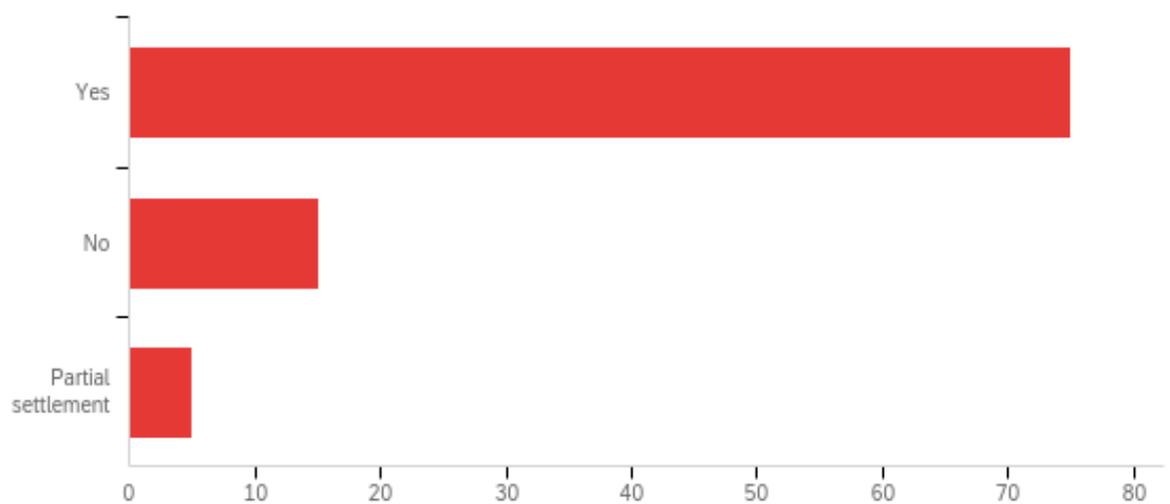
Yes. to better articulate my case

Happy with zoom meeting. It was so easy zoom more convenient

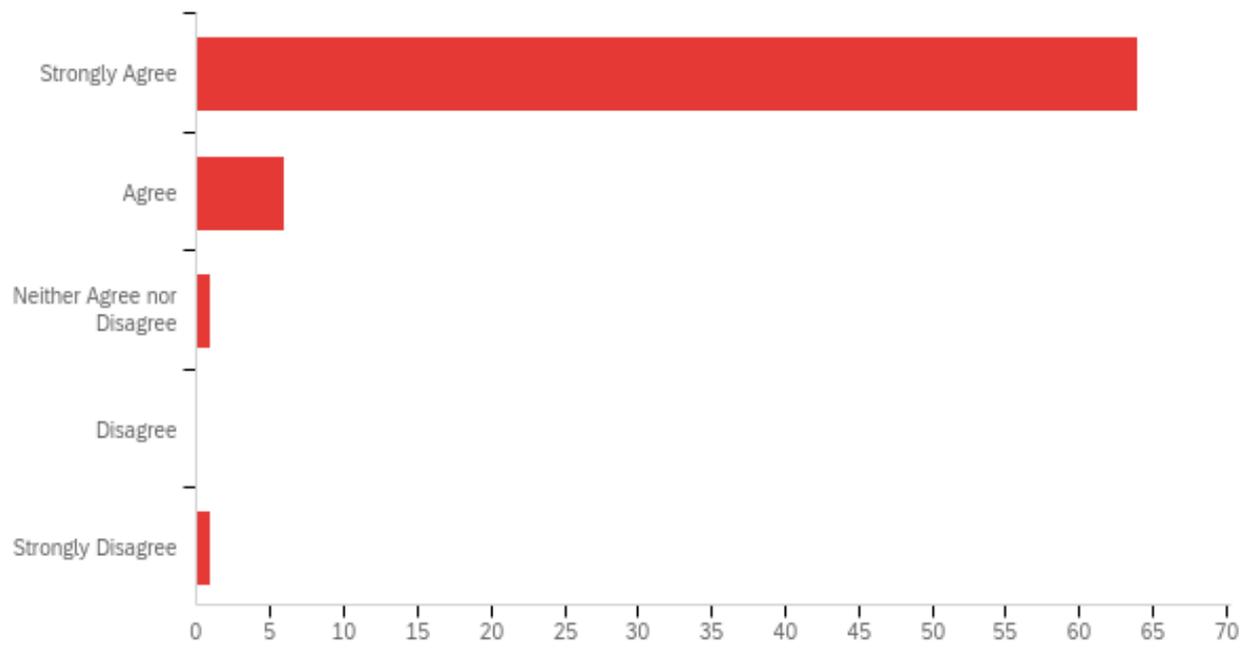
Q6 - How long did the mediation last?



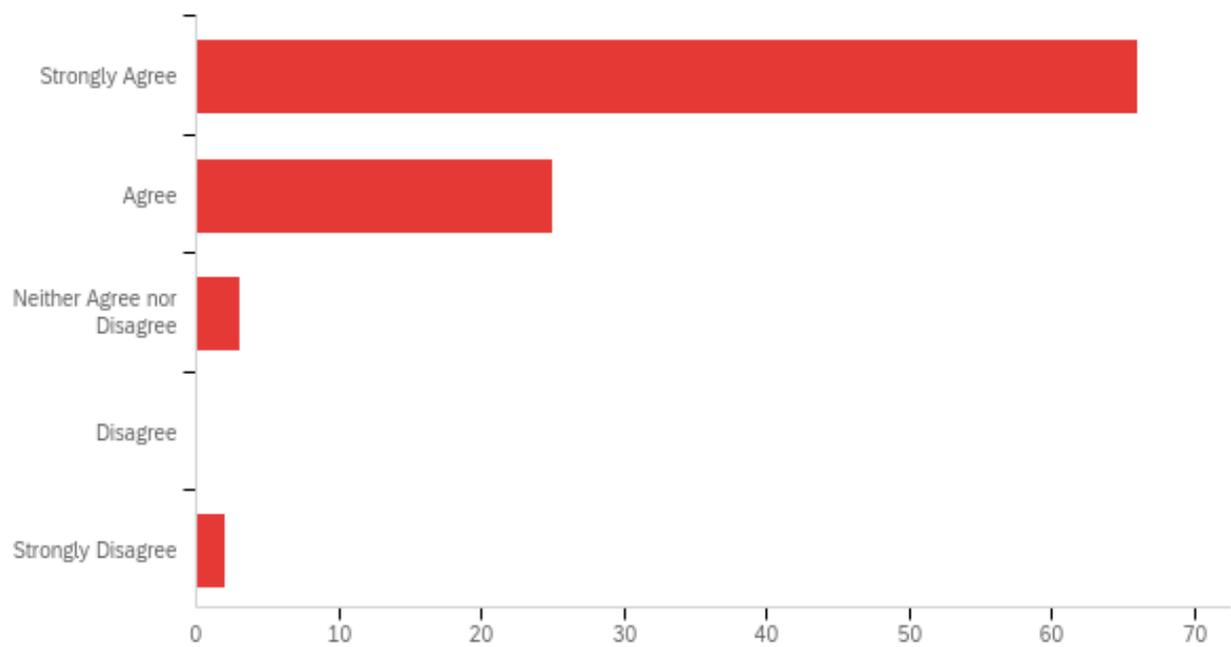
Q7 - Did the mediation result in a settlement?



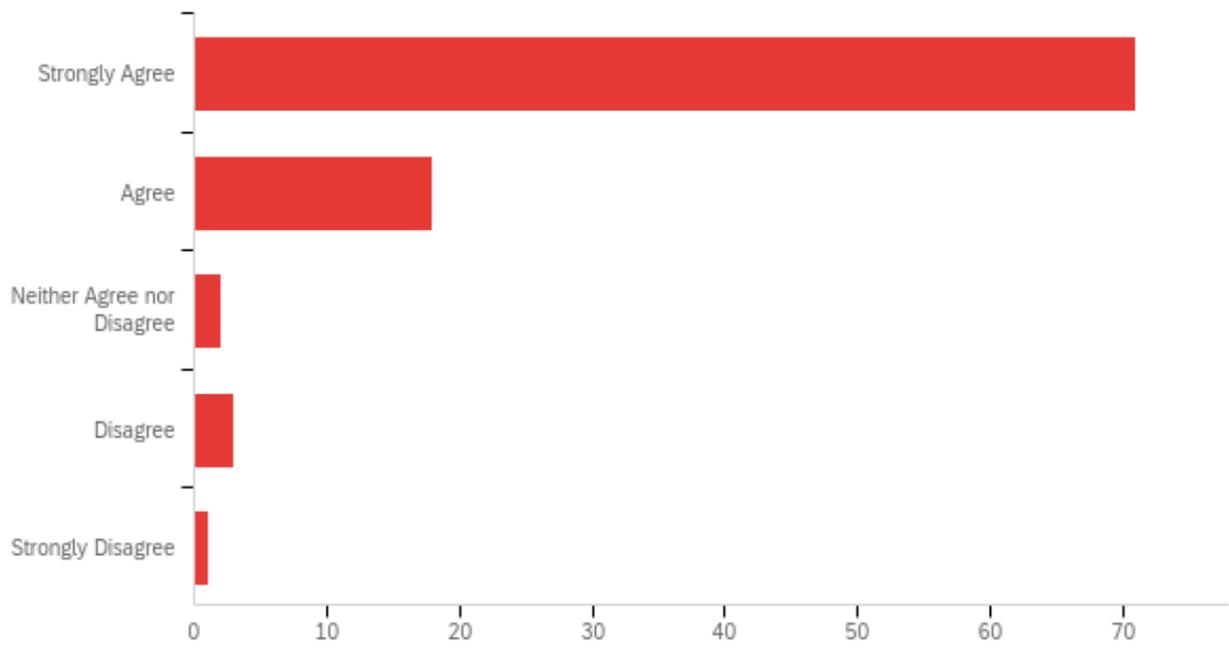
Q8 - The mediators clearly explained what is involved in mediation.



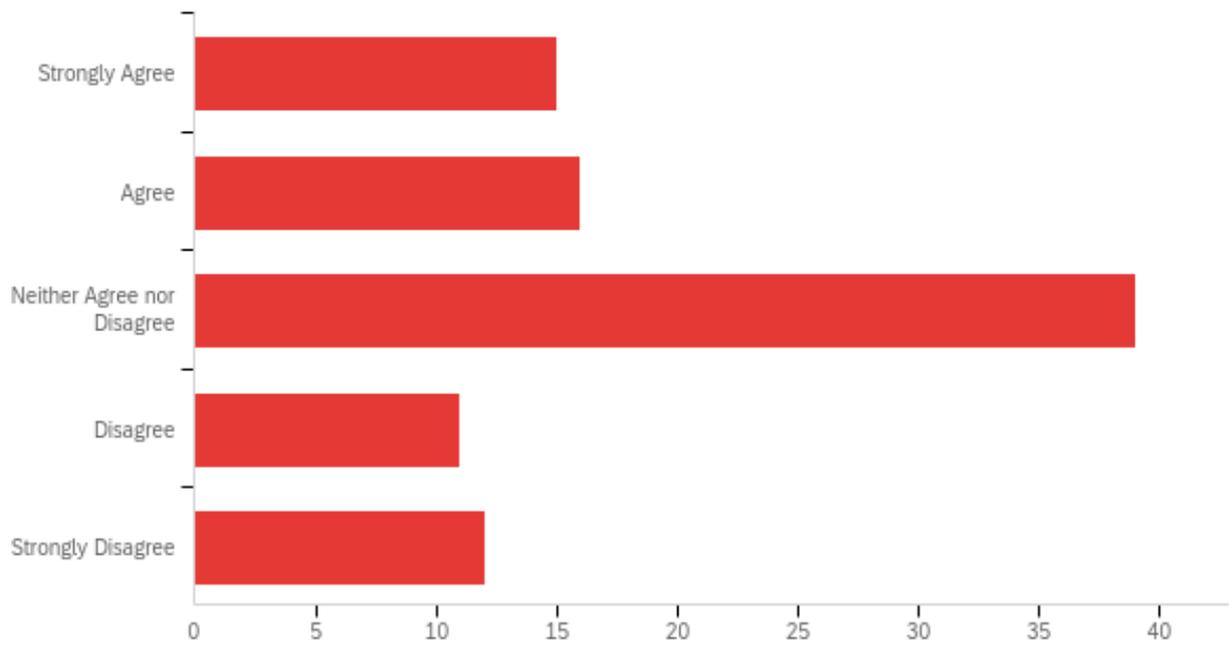
Q9 - The mediator(s) understood the issues I had to resolve.



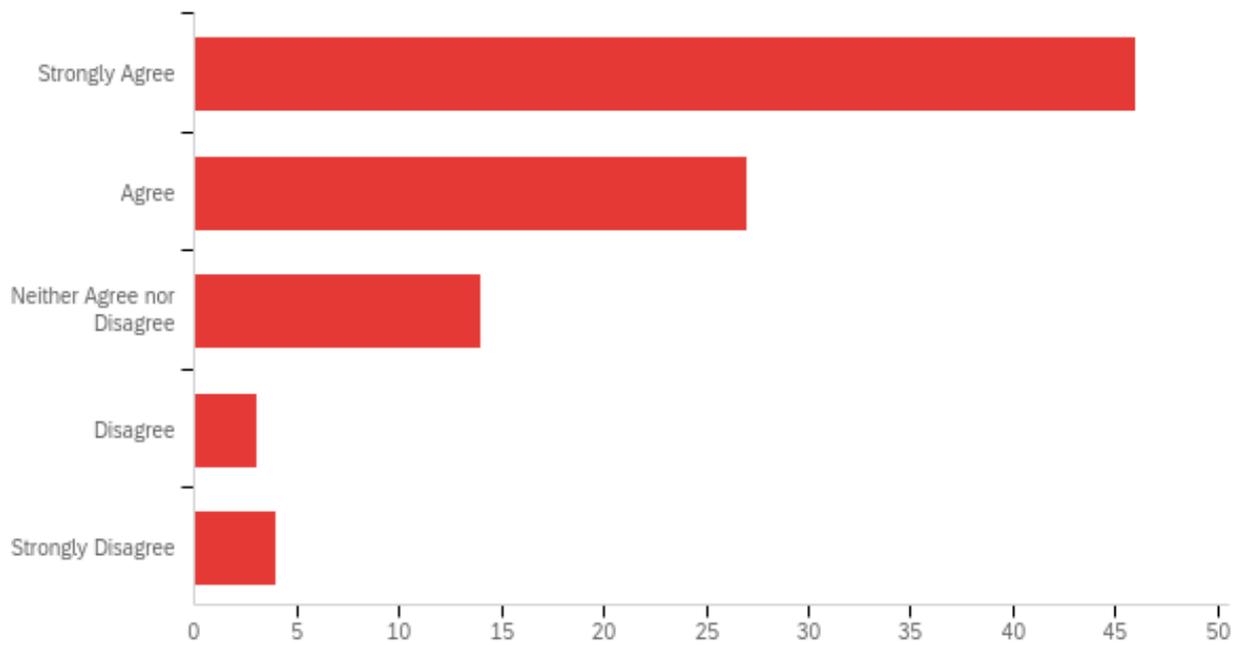
Q10 - The mediator(s) were fair and impartial.



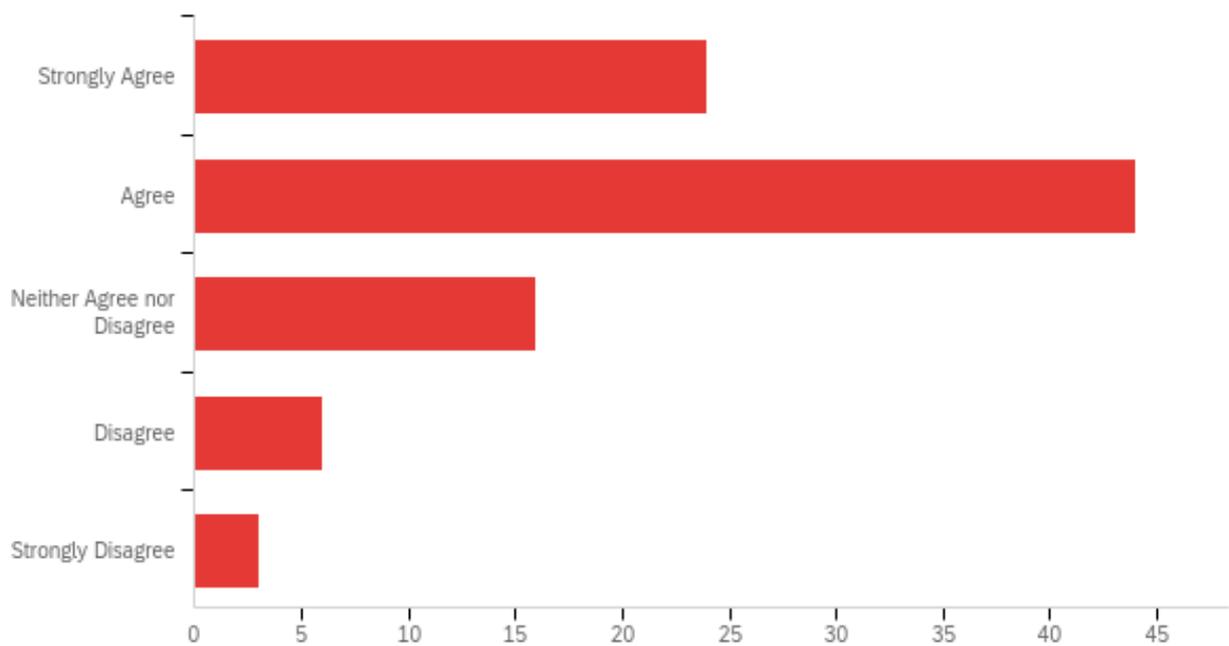
Q11 - Mediation has improved relations with the other party to the dispute.



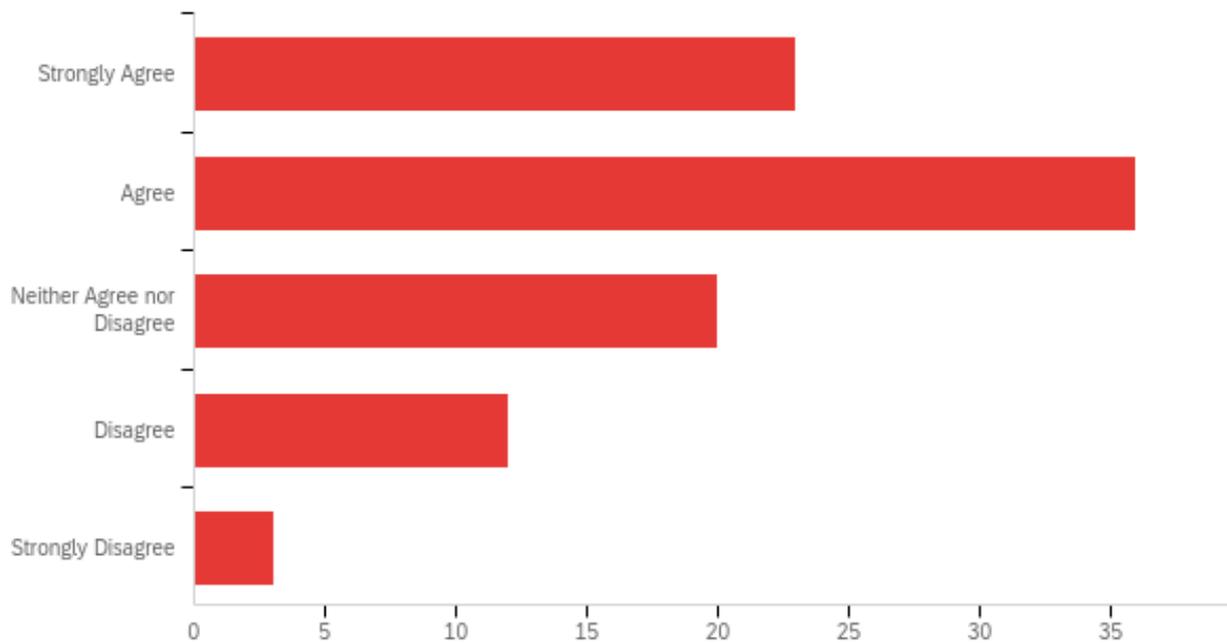
Q12 - Mediation was an efficient way to resolve my dispute(s).



Q13 - I/We were satisfied with the outcome reached in mediation.



Q14 - The outcome reached in mediation was fair.



Q15 - What were you hoping the mediation would achieve?

A chance for the respondent to actually speak to me, in controlled environment without shouting, plus financial settlement

I honestly didn't expect it to achieve anything. The respondent had rebuffed all attempts to resolve the issue before I raised the action, and his response to the case suggested he had no intention of accepting any part of my claim. I assumed we were going through the motions before being referred back to court as a failed mediation.

I would say mediation should have their own right to tell the person what's right or wrong. sometimes the person whose respondent is right, but he gets stuck and has to accept everything to save other things going on in his life because he has no choices. Rest all perfect. Thanks

A settlement either in full or greater than the half settlement agreed. It saved us from going to court, but I felt guided towards settling for half the amount claimed.

A resolution to a situation which had been going on for 4 months. For the respondent to acknowledge all communications which had been sent by me in an effort to resolve the situation. For the respondent to reimburse me for work which I had paid for but was never carried out.

I was hoping to resolve a situation that had existed for over twelve months. I had been unable to get the respondent to communicate with me for many months.

a fair cash settlement

It was unlikely that an agreement would have been reached during mediation, however it was worth a try and at the very least it allowed both parties to put their case and feelings across out-with court.

I was hoping to receive the amount I paid for the reupholstery of my suite

I was hoping to achieve resolution of a problem that I have had with a furniture company for over twelve months.

[Company] to accept that their customer service is appalling. [Company] to act in a responsible manner re corporate responsibility. When selling the degreasing [Company] should accept that THEY have a

responsibility to check if customers have a septic tank. [Company] to follow legal procedure i.e. they are responsible for return postage costs.

A settlement with the respondent. He could not however participate at either arranged session but had (via the mediator) made an offer (final, he said) which was not acceptable to me.

I was hoping better understanding on our behalf

Settlement in full x 10

Settlement of the issue without the need to go back to court. Opportunity to explain my issues with the respondents.

I was hoping the first respondent would have paid half as initially agreed. I expected a fourth to bring the matter to a close.

That it would be made clear that the other party had not followed instructions or client interest.

Clarification and resolution to long-term issues but also for [Company] to acknowledge and remedy drainage problems we continue to experience.

For a fair financial settlement in my favour

A full refund. Compensation. Closure

To resolve a long running dispute with a local building company and move forward with the issues that I had with them.

Closure to an ongoing dispute.

I would have liked the respondent to accept that he did not do a good job.

A suitable resolution

A out of court settlement

We hoped that this would provide a better understanding of the works that we were providing the owner with and build a better relationship for the future management of his property

Settlement and closure

A more successful outcome for me. The other party did not comply with the agreement and used the mediation as further procrastination

a compromise if a full settlement couldn't be reached

Settlement in respect of a timeshare exit policy.

An understanding of the issues and a relatively informal resolution.

To not go to court

The Truth from the other Party

Claimant to understand the issues with her claim

The return of more of my money

The full amount that I claimed for.

To resolve dispute over work that had been carried out that contractor was fully paid for and did it all unsatisfactory and unsafe. Not to discuss the fact I was still in a financial position to be able to afford to pay to have it resolved by paying another contractor to correct the work.

Resolution

Acknowledgement of liability and full settlement of claim

A clear understanding for the claimant of the position

I was hoping a resolution to have the repair costs met

A quick result

For the respondent to realise they had been unfair in their dealing with me

To allow me to get paid for services provided.

Me receiving back loss of money

Settlement without going to court, which it did.

An agreement without having to go to court

To come to a sensible resolution with our customer

Resolve claim and negate court action

A fair settlement

Settlement that was acceptable to both parties.

Precisely what we achieved.

That the respondent would pay the sum due.

We were hoping to recoup some of our money, which we did

Recognition from the claimant there were costs involved by all parties

A mediation to take places

Payment of sums due

A solution to the case

Avoid a Court Hearing

to find an amicable resolution to and prevent further delays/court action

Closure to the case

A settlement and able to move forward without going to court

An agreement avoiding court

To obtain a resolution / settlement

An apology and settlement

A chance to resolve the issue and communicate.

Hoped to recoup losses.

Payment for damage. Resolve the matter. To end the action

Q16 - What did the mediation achieve?

Financial settlement - a plan to pay me back over a period of time

I accepted a settlement because I was wary of another zoom meeting with the Sheriff given my experience here.

The respondent did in fact want to settle, and an agreement was reached. I was very pleased with the way the mediation was handled. It felt very professional and impartial, but also reassuring - I have never raised a legal action before and the way it was approached helped put me at ease.

I agreed to settle for half the amount claimed. I felt that this was the outcome favoured by the mediators. I felt they were taken in by his claim to be living hand to mouth and thought I could afford to settle for less than the full amount.

Respondent offered a much-reduced amount due to his business " going under ". I accepted the offer.

The mediation enabled direct communication with the respondent who had previously ignored any correspondence I had sent to the company. With the services of the mediator, my problem was resolved in just over one hour after I had been trying to sort things out for one year. I am most grateful to be given the opportunity to use the mediation service and to finally have peace of mind.

a fair cash settlement

It allowed both parties to state their case openly within a relaxed setting. Despite no agreement being reached, I am hopeful that now both parties are fully aware of each other's feelings on the case, that it has opened that door for further negotiations and potentially an agreement out-with court.

I agreed to £1,250 as they said I only claimed for the chair, and I will be giving this money to Charity

The mediation allowed me in a short period of time to achieve a fair financial settlement with the company.

I don't for 1 minute believe that [Company] will attempt to improve their customer service, warn customers re degreasing tablets or follow legal obligation. However, I did obtain a financial settlement of £500 thanks to the mediation process.

It was a fair attempt to draw us together, but I think the respondent was not prepared to involve himself

Nothing a waste of 4 hours of everyone's time

Settlement of the issue - financially.

A partial payment and hopefully better relationship between me as the claimant and the first respondent.

Settlement x 12

Clarified the stance of the Claimant

No need for court hearing.

A settlement and a better understanding of what we were trying to achieve.

A partial refund

Closure

I accepted settlement. It was only accepted as we had a family member in intensive care and that highlighted the most important aspect of our lives. We can recover from the financial loss; the family member will take six to eights to improve but will not fully recover.

Repair work to be carried out to roof, building warrant applied for by company, internal work to house to be completed and resolving issue over payment for additional work if required.

Proof that mediation was not going to be the answer in this case

We were reimbursed for the repair work which we had to get to correct the respondent's poor workmanship.

Resolved the mater

We managed to come to a suitable resolution to the dispute rather than having the expense and time going back to court

nothing x 4

Settlement and closure

We undersigned an agreement, but I was pretty sure (and that's what happened) that the other party wouldn't meet all the agreed terms by the deadline

bringing both parties to successful completion

Only achieved me getting back my property.

Relief but disappointment that the truth did not prevail

Confirmation that the claimant was unwilling to alter her views

Not a lot in terms of personal satisfaction

About 50% of the claim

A very reduced value settlement

Settlement and case resolved

Almost, middle ground met with what respondent was willing to pay and what my client wanted. It was closer to what my client wanted.

The respondent issued a full refund in the end

A fair financial settlement in my favour

Settlement, avoiding court. Peace of mind. Relief that the matter was resolved.

It gave us both the opportunity to come to an agreement where both parties were happy.

Closing with settlement

A settlement that I feel 'I gave' more than halfway on, but my wife and I had had enough of this dispute, so we accepted and closed it.

Settlement that both parties were comfortable with.

The respondent paid the reduced sum.

Return of some of our money

No further action to be taken

payment of sums due

A solution to my claim without going to court

It avoided a Court Hearing and resulted in a settlement

found an amicable resolution and prevent further delays/court action

An end to a difficult period

Speedy settlement, avoidance of legal costs and rescue

Partial recoup of losses. Half payment.

full settlement of all claims

an offer that wasn't acceptable

Resolve the matter

Ended the action

Q17 - If you have any suggestions for ways to improve the mediation service that you received, please write them in the box below.

I think the mediators should make it clear that they are looking for a settlement rather than justice. So the outcome is likely to be a compromise. The mediators kept stressing that going to court was an unpleasant experience for all concerned. I think they should have made it clearer that their objective was to save court time rather than necessarily achieve a fair settlement.

I think it would be beneficial if mediators could have access to documents that both parties have sent to the Court. This would provide them with a background knowledge of the case and allow them to guide and direct both parties to listen to what the other was saying.

no suggestions

I was very impressed with the mediation service, how it was organized and how it was run. I felt the mediators made the process easy. I am aware that Alan is a student. He was very professional throughout the process. He was friendly and professional, which put the clients at ease. Whilst remaining neutral and managing discussions. I was impressed with the service provided.

I cannot think of any way in which the service I received could be improved.

Nothing at all - the mediators were very approachable, friendly; helped to make me relax. They were also completely impartial.

I think the efforts made by the mediator were positive.

For mediators to be impartial and to understand the case and the implications of why the case is at court in the first place

Possibly a check before the mediation session begins (possibly the day before) that the IT systems being used by all parties are working correctly i.e. enough band width to cope with the session.

I wouldn't want mediation to take the place of a formal court hearing in front of a Sheriff who can make a ruling based on the law.

A successful agreement between both parties involved.

Face to face meetings

Mediation was an effective way to bring the parties together. If the responder had engaged with us at the beginning of the dispute it could have been concluded almost twenty months ago.

No suggestions x 9

I thought the mediation was very good and if this process had been suggested earlier a resolution would have been achieved earlier in the proceedings. The process was explained and carried out very well.

It would be helpful to ensure that all parties can be seen on camera.

No the mediation service was very good in facilitating an agreement between the two parties

the mediator would have been aware of what the parties settlement terms would have been, i.e. what our final positions would be, and as such if there was a potential for cross over, there appears not to be a cross over

I had no issues with either the methods or the online / communication platforms chosen. Easy to use.

The Mediators very exceptionally caring supportive and understanding

Teams would be better than zoom, in-person would have been the best option

No it was great the way it was, thanks so much to Elise and Angus

I can't think of a way in which it needs to be improved.

Patrick was great throughout the full process; it's been a very stressful time for myself and the business.

Only a minor zoom issue that should be easy to sort.

None, good service.

None- Mediator and process were both excellent! Thank you.

It was a well organised and managed session.

None: it was a thoroughly professional service. Many thanks to the mediators.

It might assist if both parties were asked to submit in advance a list of the essential issues that they consider to be in dispute. a sort of 'Heads of Argument' type document.

Ben could not have helped enough

Really good tone of voice and well explained.

It was fine

Really worthwhile and glad that things have progressed. I was put at ease by both mediators and Patrick was phenomenal. I am very grateful.

Appendix 6: Examples of Mediation Clinic Forms

Intake Form



To be read to all parties:

Before offering a service, we need to process the information you provide us with, and we need your consent to do this.

The information you provide in this call/meeting will be used to decide whether or not we can help you. We may need to discuss this information with authorised Mediation Clinic staff. The information will be held securely on a University server and access to this is restricted to authorised staff, Mediation Clinic students and our external volunteer mediators.

You have various rights in relation to your data including the right to have your data erased. This is detailed in our Privacy Notice (available on our website: <https://www.strath.ac.uk/humanities/lawschool/mediationclinic/>).

Party 1

I understand that the Mediation Clinic at the University of Strathclyde will be processing my personal information for the purpose of managing my mediation case and sharing it with mediators who may be external to the University. Please see our Privacy Notice for further details on how the Mediation Clinic will use your data.

Name/Signature : _____ **Date:** _____

Obtained in person / telephone / email / zoom

Obtained by: _____

Party 2

I understand that the Mediation Clinic at the University of Strathclyde processing my personal information for the purpose of managing my mediation case and sharing it with mediators who may be external to the University. Please see our Privacy Notice for further details on how the Mediation Clinic will use your data.

Name/Signature : _____ **Date:** _____

Obtained in person / telephone / email / zoom

Obtained by: _____

Which Court?		Sheriff Court Case number:	
Consent for Data		Intake Worker	
<u>Stage in Legal Process</u>			
Next Court Date:		Law Clinic Referral <input type="checkbox"/>	
Paused? Y/N		Housing Tribunal <input type="checkbox"/>	
Did a case management discussion take place?		CAB <input type="checkbox"/>	
Y/N If so, date:		Self <input type="checkbox"/>	
Amount Claimed (this is the amount stated in the Summons):			
How is this amount broken down:			
<u>Type of Case (please bold or underline)</u>			
Breach of contract	Building work	Factors	
Goods and Services	Neighbourhood	Personal Property	
Reputation of Business	Tenant / Landlord	Unpaid bills	
Vehicle Related			

Please identify which party made contact first :	
<input type="checkbox"/>	<input type="checkbox"/>
Claimant(s) or Party A	Respondent(s) or Party B
Name(s):	Name(s):
Address:	Address:
Contact Number:	Contact Number:
e-mail:	e-mail:
Represented by (if applicable):	Represented by (if applicable)
Do you have full authority to settle in this case?	Do you have full authority to settle in this case?
Are you a Consumer or a business?	Are you a Consumer or a business?
Notes from the intake Worker:	

Claimant(s) or Party A

What is the situation?

What have you done to try and resolve the issue(s)?

What offers, if any, have been made by either party?

What do you hope to get out of mediation?

Mediation requires both parties to engage in the process; would you be willing to speak with and listen to the other party in order to come to an agreement that you can both live with?

Would you be willing to share court papers (ie claimant or respondent response form)? Yes / No

If yes, please ask them to email: mediationclinic@strath.ac.uk

Any particular concerns?

Who will be attending the mediation?

Mediation Type (Please bold or underline):

Zoom video

Zoom with Camera Off

Telephone Conference

Please note we do not conduct mediation via Zoom shuttle or Telephone shuttle. We find that mediations are unlikely to succeed if parties are not able to speak to each other face to face.

Are you clear on the mediation process and how it works?

Availability:

Date:

Duration of Call:

Respondent(s) or Party B

What is the situation?

What have you done to try and resolve the issue(s)?

What offers, if any, have been made by either party?

What do you hope to get out of mediation?

Mediation requires both parties to engage in the process; would you be willing to speak with and listen to the other party in order to come to an agreement that you can both live with?

Would you be willing to share court papers (ie claimant or respondent response form)? Yes / No

If yes, please ask them to email: mediationclinic@strath.ac.uk

Any particular concerns?

Who will be attending the mediation?

Mediation Type (Please bold or underline):

Zoom video

Zoom with Camera Off

Telephone Conference

Please note we do not conduct mediation via Zoom shuttle or Telephone shuttle. We find that mediations are unlikely to succeed if parties are not able to speak to each other face to face.

Are you clear on the mediation process and how it works?

Availability:

Date:

Duration of Call:

Unsuitable Letter



Dear

I understand that you made contact with the Mediation Clinic at the suggestion of the Sheriff Court and spoke to one of our mediators on the telephone. The other party has also made contact with us.

Following this conversation, I have reluctantly come to the conclusion that we cannot offer mediation in this instance. Mediation is a voluntary, confidential process whose aim is to help those involved in a civil dispute to negotiate a mutually acceptable resolution. While we try to provide our free service to all who seek it, we are under no obligation to do so and take the view that some situations are not suitable for mediation.

Our commitment to confidentiality means we cannot comment on your particular case. However, the following are examples of the sort of cases where we would not offer mediation and will refer the matter back to the court for a decision:

- Where no consensus can be reached over the terms on which the mediation should take place
- Where one or both parties seek a judicial ruling on contentious matters
- Where one party accuses the other of acting in bad faith
- Where one party wishes the court to set a precedent
- Where the gap between parties is so great that there is no realistic prospect of resolution

Nothing in this message should be interpreted as suggesting that either party failed to engage with the Mediation Clinic. The decision not to offer mediation is ours alone.

I believe the case has been paused for mediation. Either party may apply to have it re-started by completing the Simple Procedure Application to Restart form – available at https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/forms/sheriff-courtforms/simple-procedure-forms/form_9b.pdf?sfvrsn=4

A message in the same terms has been sent to the claimant/respondent.

Yours sincerely

Charlie Irvine
Director, Mediation Clinic

Settlement Agreement



SETTLEMENT AGREEMENT

Case No:

This document records the settlement agreement between

(Party A): _____

and

(Party B): _____

reached in mediation on: _____ (date).

The terms of this agreement have been read out to the parties by the Mediator:

_____ (name) on _____ (date)

and accepted by them as an accurate account of their agreement and fully binding.

The Parties agree as follows:

What is to be done? By whom? By what date? 'In full and final settlement of ...'
