

Certified Member Assessment Guidelines

Guidelines on Assessing Certified Mediator Skills and Qualities

Competency comprises the specification of the knowledge and skill, and the application of that knowledge and skill to the standard of performance required. The concept of competency includes all aspects of performance. It includes:

- Performance at an acceptable level of skill
- Organising tasks
- Responding and reacting appropriately when things go wrong
- Fulfilling a role
- Transfer of skills and knowledge to new situations.

For these standards mediation is defined as:

A process in which an impartial and independent third party facilitates communication and negotiation and promotes voluntary decision-making by the parties to a dispute to assist them to reach a mutually acceptable solution.

MII Code of Ethics

The standards identified in this assessment record define the core competencies required of Mediators in a wide range of settings and contexts. While Mediators may be drawn from many different sources, the core requirements to effectively conduct mediation are the same. The standards therefore do not propose different levels or categories for Mediators. However, different sectors may adopt additional specialist requirements which they regard as necessary to effectively carry out mediation in their particular field.

The standards relate to the actual conduct of mediation sessions where all parties are present. They do not relate to pre-mediation intake functions such as initial contact with the parties and scheduling of sessions, nor to post-mediation follow up. It is recognised that Mediators need to be proficient in performing these functions. But such functions may be carried out by Mediators themselves or by other specially trained personnel, but are not part of the core competencies for all mediators.

Evidence should be sought that:

- Competence is demonstrated by performance in two contexts: knowledge and use of process
- Competence is demonstrated through direct observation of real or simulated performance
- Mediation is congruent with agreed definitions of mediation
- The mediator uses professional judgement to apply the process in a flexible manner that maintains the integrity and transparency of the process
- Full consultation with any co-mediator is used at all times throughout the mediation
- Mediators have underpinning knowledge of:
 - Relevant current legislation, where applicable
 - Ethical guidelines
 - Cultural factors relevant to the Mediator's area of responsibility

This should be defined in the self-reflective piece produced after the role play.

Observations of performance should be used to assess the following core areas for assessment:

- Managing the Relationship in Mediation
- Managing the Process
- Managing the Content
- Managing the Self

Observations of performance should be used to assess the following interventions as relevant for each of the core areas identified above. Assessors will seek evidence, as appropriate to the case, that Mediators are competent.

1. Neutral and impartial Process Facilitation

- Provide time and attention for all parties with adequate consideration of parties' needs
- Check physical comfort of parties periodically
- Arrange breaks during session, as needed
- Note social or personal characteristics which may impact on the mediation
- Choose strategies appropriate to individual cultural and social situations
- Ensure that parties determine content of discussions throughout mediation
- Consider individual values which have an impact on communication and relationships

2. Promotion of Communication and Co-operation Between Parties

- Use equipment in a manner that caters to the individual needs of parties
- Paraphrase, ask clarifying questions and summarise to assist parties to feel heard
- Use a range of rapport-building strategies, such as adapting terms used, pace or volume of speech to suit the language level of the parties and acknowledging non-verbal behaviour
- Guide communication flow directly between parties, from agenda setting stage through to close of mediation, excluding private session
- Manage interruptions effectively
- Remind parties about agreed ground rules if other interventions are ineffective
- Raise questions between parties about feelings and specific behaviours to encourage constructive expression of emotions and prevent escalation of conflict
- Encourage parties to describe their understanding of others' statements about feelings, needs and ideas
- Use fact finding questions to meet parties' needs
- Model teamwork when co-mediating by:
 - Openly observing progress of mediation and relevance of discussion to agenda topic/s and checking about any proposed action
 - Openly consulting with co-mediator
 - Referring to co-mediator's statement or questions
 - Maintaining non-verbal contact with any parties not directly communicating with another party or mediator(s).

3. Paraphrasing and Summarising

- Listen effectively to stated or indicated feelings
- Show sensitivity to scope and intensity of issues
- Focus on agenda items
- Reflect the stages of the mediation process
- Acknowledge the need to build rather than impose options
- Indicate common ground between parties
- Use silence and other non-verbal communication strategies
- Maintain balanced communication which flows directly between parties
- Clarify between parties the effects of past events relating to dispute issues
- Elicit from parties paraphrased summaries of others' expressed thoughts, feelings or ideas on agenda items.

4. Consistent Application of Agreed Mediation Process

- Apply stages sequentially, by balancing process with client needs
- Use communication flow appropriate to stage of mediation
- Explain movements between stages and any variation to the process
- Focus specifically on past, then present and future while facilitating exploration of each agenda issue
- Refer to agenda to guide movement through and adaptation of process through use of summary
- Manage contingencies in keeping with process requirements and agency guidelines
- Act as an agent of responsibility and reality for the parties
- Use of shuttle negotiation where appropriate.

5. Termination of Session

- Reflection on options prior to consideration of termination
- Check with co-mediator about terminating, as appropriate
- Consideration with the parties on termination outcome, as appropriate
- With respect for confidentiality of any private session or other non-mediation disclosures
- As a result of screening, assert any need for termination.

Scale To Measure - Level Of Participation

The following rating scales should be used to determine an overall rating under each area. Below each of the area headings are listed several factors to consider in making a rating. Assessors are asked to measure each area by circling the observed competencies on a scale of 1 through to 5 as follows:

5 - Very Good Standard: *The candidate has displayed the skills and knowledge which indicate they have the ability to conduct a mediation and where they demonstrated a capability of using all of the relevant interventions in each assessment area.*

4 - Good Standard: *The candidate has displayed the skills and knowledge which indicate they have the ability to conduct a mediation and where they demonstrated a capability of using most of the relevant interventions identified in each assessment area.*

3 - Satisfactory: *The candidate has displayed the skills and knowledge which indicate they have the ability to conduct a mediation and where they demonstrated a capability of using the relevant interventions identified in each assessment area.*

2 - Needs improvement: *The candidate has not displayed the skills and knowledge which indicate they have the ability to conduct a mediation as they have failed to demonstrate appropriate use of the relevant interventions.*

1 - Unacceptable: *The candidate has failed to display most or all of the skills and knowledge which indicate they have the ability to conduct a mediation. The candidate has used few if any of the appropriate interventions in each assessment area.*

Please circle one.

Under the "Comments" section, **discuss specifically** those areas completed successfully or needing improvement.

Candidates must demonstrate a satisfactory rating in all areas to pass

Because the process will generally be unfolding candidates will usually only be able to demonstrate **SOME** of the qualities and skills set out below.

Candidates need to evidence the required knowledge, skills and values through the recorded role play and their reflective assessment. Where the recorded role play does not allow for specific skills to be demonstrated, the candidate should evidence their awareness of this and how these might be demonstrated in other situations.