

Assessment Competencies

A. Managing the Process of Mediation

1. Upholds key principles of mediation throughout the process:
 - a. Confidentiality
 - b. Voluntary participation in the process
 - c. Self-determination
 - d. Impartiality of the Mediator
2. Deals effectively with any initial resistance to mediation
3. Ensures participants have a clear understanding of the structure of the mediation process and roles
4. Where appropriate, confirms parties have authority to make decisions around resolving the issues or identifies an appropriate process regarding authority to settle.
5. Ensures the Agreement to Mediate is signed (either in joint session or beforehand)
6. Manages the introduction process in a respectful, balanced and clear fashion
7. Where applicable, assists the participants in negotiating the process, ground rules and agenda for mediation sessions
8. Uses reflective listening skills to demonstrate the Mediator has accurately captured what parties are trying to communicate
9. Picks up on and pursues verbal and nonverbal cues to promote progress
10. Enables the development of each participant's story by asking relevant questions, particularly open questions, to encourage parties to talk
11. Attends and explores participants' concerns and empathises appropriately with feelings
12. Adopts a pace which is responsive to the need of the parties
13. Summarises and checks before moving on
14. Manages and signposts transitions between stages and keeps all parties informed
15. Helps parties to use the time productively when not with Mediator by encouraging parties to reflect
16. Demonstrates appropriate use of joint meetings and/or caucus and respects confidentiality throughout
17. Remains in charge of the process throughout and handles challenges to either the process or the Mediator, calmly and assertively.
18. Manages impasse, resistance, or difficult behaviour
19. Works with power imbalance or control issues and handles intense emotions appropriately
20. Displays flexibility and uses creative strategies effectively
21. Empowers the participants to explore and find their own ways forward
22. Generates an atmosphere of creative problem solving and facilitates the parties to create solutions and work towards agreement.
23. Assists participants with option building and broadening the number or scope of options
24. Works on options, implications and consequences, and avoids premature commitment to solutions
25. Encourages parties to make their own decisions

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26. Assists participants in understanding the consequences of their plans
27. Assists participants in exploring and reality-testing alternatives to mediation, using BATNA, WATNA and reality testing in a timely and effective manner
28. Assists participants with reality testing next steps, particularly through the use of questioning and consultation with other agencies where appropriate
29. Where appropriate, draws together options into a coherent agreement
30. Facilitates parties to draft terms of the Mediation Agreement
31. In the event of parties failing to reach an agreement, closes the process appropriately
32. Demonstrates a capacity to capture the points of agreement in relation to the key issues discussed and record those concisely and clearly in a mediation settlement/agreement.
33. Ensures any notes, flip/chart notes or any technology used etc. treated in an appropriate and confidential manner

B. Managing the Relationship in Mediation

1. Establishes and maintains a respectful trusting and balanced relationship with the participants by:
 - a. Creating rapport
 - b. Respecting the participants
 - c. Encouraging mutual respect among all participants
 - d. Being objective and impartial in style
2. Sets the scene and sets the tone, appears relaxed, alert and confident with the process
3. Is attentive to parties' comfort and needs and arrange breaks during session, as needed
4. Encourages use of preferred names
5. Conveys energy, enthusiasm and personal warmth
6. Establishes the Mediator's authority and communicates in an assured, open manner, verbally and nonverbally
7. Uses a range of rapport-building strategies, such as adapting terms used, adopting a pace or volume of speech to suit the language level of the parties and acknowledging non-verbal behaviours
8. Ensures nonverbal listening cues (e.g. posture, eye contact) are supportive and balanced.
9. Demonstrates neutrality through equal treatment of the parties and use of nonjudgmental language
10. Manages interruptions effectively
11. Reminds parties about agreed ground rules, if other interventions are ineffective
12. Enables the participants hear each other's stories
13. Enables the participants develop a relationship with the Mediator(s) and if feasible, with each other in the room, whereby they express feelings and become "real" to each other
14. Paraphrases, asks clarifying questions and summarises to assist parties to feel heard
15. Raises questions as appropriate between parties about feelings and specific behaviours to encourage constructive expression of emotions and prevent escalation of conflict

16. Clarifies between parties, as appropriate, the effects of past events relating to dispute issues

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17. Allows parties to vent emotions, whilst maintaining a safe environment, in order to enable progress
18. Demonstrates understanding of each party's situation and their feelings about it
19. Encourages parties to describe their understanding of others' statements about feelings, needs and ideas
20. Recognises and acknowledges conciliatory gestures and concessions (*'gifts'*)
21. Facilitates expressions of regret and apology between the participants
22. Encourages the participants' self determination
23. Encourages parties to focus on the future and where appropriate, to explore their future relationship.
24. Facilitates a collaborative relationship between the participants
25. Encourages participants to openly converse
26. Mutualises common ground between parties
27. Uses silence and other nonverbal communication strategies including pauses

C. Managing the Content of the Mediation

1. Manages the process without determining content
2. Draws out the background and context of the situation
3. Asks neutral, open-ended questions
4. Elicits not only facts, but also parties' perceptions of the situation and each other.
5. Identifies and probes positions, and explores underlying interests, issues and needs
6. Clarifies and checks understanding of each person's statements.
7. Enables the participants develop clarity about their concerns
8. Asks questions that encourage the parties to see the situation and the conflict, from a broader perspective including the other party's point of view
9. Explores beyond surface issues
10. Effectively summarises the essence of parties' stories and concerns
11. Demonstrates a good grasp of each parties needs and underlying interests (both tangible and emotional)
12. Helps to clarify and frame the issues constructively
13. Manages the separation of issues into an agenda.
14. Identifies and emphasizes shared issues and interests.
15. Manages information exchange tactically to good effect
16. Helps parties to analyse risks and benefits of particular outcomes
17. Encourages the parties to re-evaluate their own and each other's position
18. Where appropriate, asks the parties to elicit information from other professionals (*such as appraisers, actuaries, accountants, mental health professionals, child protection professionals or lawyers*) with the objective of informing the parties' options
19. Checks with parties that all issues have been fully explored
20. Writes clearly and concisely, using neutral language
21. Keeps notes, as necessary, unobtrusively
22. Explains to parties what will happen to any notes taken

D. Managing Self

1. Upholds and respects key principles of Mediation as per the Mediation Act 2017
(where relevant) and the Mediators' Institute of Ireland Code of Ethics and Practice.
2. Demonstrates an ability to self-manage within the process
3. Demonstrates in their Role Play Self-Assessment, an ability to self-reflect on their performance in the mediation
 - a. Demonstrates an ability to assess own strengths and weaknesses realistically
 - b. Gives one or two examples of how learning from the course has led to changes in their behaviour/approach while playing the role of the Mediator
 - c. Comments on specific feedback received during the course (from colleagues and/or trainers)
4. Identifies any relevant ethical issues that might have arisen in the case
5. Demonstrates ability to work appropriately and effectively with clients
6. Identifies any biases and practices from current and previous personal and professional experience that might have come up for the Candidate in the case, and how they addressed these issues.
7. Demonstrates knowledge and understanding of key elements, provisions, wording etc. that a potential Mediation Agreement would have contained, had an Agreement been reached during the session

