



## **Certified Level Mediation Training Programmes – Prescribed Learning Outcomes**

The Learning Outcomes grid below replaces the *Training Programme Assessment Grid* which was used to assess and approve Certified Level training programmes up to July 2020.

MII Certified Level Training Programmes must now demonstrate as per the QAF guidelines 3.2 and 3.4 (see QAF Manual) that they are developed and delivered in a manner that meets learners' needs and in accordance with the prescribed learning outcomes outlined below. All MII Training Programmes must also have systems and policies in place that reflect a commitment to continuous quality improvement.

The Learning Outcomes grid outlines what a learner is expected to know, understand, or be able to do on completion of their Certified Level programme (the learning outcomes) and the criteria that will be used to judge whether these outcomes have been achieved (assessment criteria).

The learning outcomes reflect a coherent set of measurable achievements. The assessment criteria (as per the Certified Level Assessment documentation) enable a judgement to be made about whether or not, and how well, learners have achieved the learning outcomes

**MII Certified Level Training Programmes must demonstrate in their Course Approval documentation (Course Outline, Lesson Plans, Assessment Activities etc.) how each of these Learning Outcomes are taught and assessed.** Many of the Learning Outcomes will be assessed as part of the MII Certified Level Assessment. However, it is not possible in the course of a one-hour role play assessment to demonstrate achievement of all of the Learning Outcomes. In particular, Learning Outcomes relating to the later stages of a mediation process e.g. option development, negotiation, facilitating agreement drafting, closing a mediation may not be demonstrated in the role play assessment. For this reason, Training Providers (TP's) should develop additional assessment methods to ensure that learners have had an opportunity to demonstrate achievement of all Learning Outcomes, upon completion of their Certified Level Training Programme.

The Learning Outcomes outlined below are those prescribed by the MII. However, TP's may include additional Learning Outcomes and details of how these are taught and assessed, if they so wish.

All Training Providers also need to demonstrate in their Course Approval and QAF documentation how they meet the following QAF requirements

- Certified level programmes must be of 60 hours duration with at least **40 hours in tutor-led facilitation**
- All programmes must have a **minimum of 30 hours of skills/role play practice**

- To maximise the individual mentoring of learners’ skills, the required ratio of trainers/coach mentors to learners is one to 9 learners.
- Lead Trainers must have at least three years’ mediation experience and hold a current practising certificate or its equivalent
- All trainers must hold a qualification in training and development or teaching, minimum QQI Level 6 and hold a current MII practising certificate
- Role play Coach-Mentors should have at least 3 years mediation experience and have necessary skills in providing effective and constructive mentoring/feedback
- All Assessors must be from the MII Approved Assessors panel

| LEARNING OUTCOMES   | ASSESSMENT CRITERIA  |
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| <b>A. Managing the Process of Mediation</b>                         |  |
| Learners understand the Principles of Mediation and how they apply. | <ol style="list-style-type: none"> <li>1. Learners uphold the key Principles of Mediation throughout the process.</li> <li>2. Learners can deal effectively with any initial resistance to mediation.</li> <li>3. Where appropriate, learners confirm the participants have authority to make decisions around resolving the issues and identifies an appropriate process regarding authority to settle.</li> </ol>  |
| Learners show their understanding of the mediation process.         | <ol style="list-style-type: none"> <li>4. Learners ensure that participants have a clear understanding of the structure of the mediation process and roles.</li> <li>5. Ensures the Agreement to Mediate is signed (either in joint session or beforehand).</li> <li>6. Manages the introduction process in a respectful, balanced and clear fashion.</li> <li>7. Where appropriate, assists the participants in negotiating the process, ground rules and agenda for mediation sessions.</li> <li>8. Manages and signposts transitions between stages and keeps all parties informed.</li> <li>9. Summarises and checks before moving on to the next stage.</li> <li>10. Remains in charge of the process throughout and handles challenges to either the process or the mediator, calmly and assertively.</li> <li>11. Demonstrates appropriate use of joint meetings and/or caucus and respects confidentiality throughout.</li> <li>12. Helps participants to use the time productively when not with the mediator by encouraging parties to reflect.</li> </ol> |
| Learners show good communication skills in the mediation setting.   | <ol style="list-style-type: none"> <li>13. Uses reflective listening skills to demonstrate the Mediator has accurately captured what parties are trying to communicate.</li> <li>14. Picks up on and pursues verbal and nonverbal cues to promote progress.</li> </ol>   |

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|  | <ul style="list-style-type: none"> <li>15. Enables the development of each participant’s story by asking relevant questions, particularly open questions, to encourage parties to talk.</li> <li>16. Attends and explores participants’ concerns and empathises appropriately with feelings.</li> <li>17. Adopts a pace which is responsive to the needs of the participants.</li> <li>18. Manages impasse, resistance or difficult behaviour.</li> <li>19. Works with power imbalance or control issues and handles intense emotions appropriately.</li> <li>20. Displays flexibility and uses creative strategies effectively.</li> <li>21. Empowers the participants to explore and find their own ways forward.</li> </ul>  |
| Learners have a good understanding of negotiation.                                     | <ul style="list-style-type: none"> <li>22. Learners can generate an atmosphere of creative problem solving and facilitate the parties to create solutions and work towards agreement.</li> <li>23. Assists participants with option building and broadening the number or scope of options.</li> <li>24. Learners work on options, implications and consequences, and avoids premature commitment to solutions.</li> <li>25. Learners encourage the parties to make their own decisions.</li> <li>26. Learners assist the parties in understanding the consequences of their plans.</li> <li>27. Learners can assist participants in exploring and reality-testing alternatives to mediation, using BATNA, WATNA and reality testing next steps, particularly through the use of questioning and consultation with other agencies where appropriate.</li> </ul> |
| Learners show a good understanding of the basic constructs of an agreement/settlement. | <ul style="list-style-type: none"> <li>28. Assists participants with reality testing next steps, particularly through the use of questioning and consultation with other agencies where appropriate</li> <li>29. Where appropriate, draws together options into a coherent agreement.</li> <li>30. Facilitates parties to draft terms of their agreement (using one of the templates provided on the training programme).</li> </ul>  |
| Learners show a good understanding of how to close a mediation (role play).            | <ul style="list-style-type: none"> <li>31. In the event of parties failing to reach agreement, closes the process appropriately.</li> <li>32. Demonstrate 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. Ensures any notes, flip/chart notes or any</li> <li>33. technology used etc. treated in an appropriate and confidential manner</li> </ul>   |
| <b>B: Managing Relationships in the Mediation Process</b>                              |   |
| Learners create and maintain an appropriate environment and                            | <ul style="list-style-type: none"> <li>1. Allows parties to vent emotions, whilst maintaining a safe environment, in order to enable progress</li> <li>2. Sets the scene and sets the tone, appears relaxed, alert and confident with the process</li> </ul>  |

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| <p>emotional tone for the mediation conversation</p>  | <ol style="list-style-type: none"> <li>3. Is attentive to parties' comfort and needs and arrange breaks during session, as needed</li> <li>4. Encourages use of preferred names</li> <li>5. Conveys energy, enthusiasm and personal warmth</li> <li>6. Establishes the mediator's authority and communicates in an assured, open manner, verbally and nonverbally</li> <li>7. Manages interruptions effectively</li> <li>8. Reminds parties about agreed ground rules, if other interventions are ineffective</li> </ol>  |
| <p>Learners demonstrate a respectful, trusting, balanced and impartial relationship with participants</p>   | <ol style="list-style-type: none"> <li>9. Establishes and maintains a respectful trusting and balanced relationship with the participants by: <ol style="list-style-type: none"> <li>a. Creating rapport</li> <li>b. Respecting the participants</li> <li>c. Encouraging mutual respect among all participants</li> <li>d. Being objective and impartial in style</li> </ol> </li> <li>10. 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</li> <li>11. Demonstrates neutrality through equal treatment of the parties and use of non-judgmental language</li> <li>12. Encourages the participants' self determination</li> </ol>   |
| <p>Learners demonstrate skills e.g. questions and reflective listening which support and facilitate building mutual understanding between the parties</p> | <ol style="list-style-type: none"> <li>13. Ensures nonverbal listening cues (e.g. posture, eye contact) are supportive and balanced</li> <li>14. Enables the participants hear each other's stories</li> <li>15. 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</li> <li>16. Paraphrases, asks clarifying questions and summarises to assist parties to feel heard</li> <li>17. Raises questions as appropriate between parties about feelings and specific behaviours to encourage constructive expression of emotions and prevent escalation of conflict</li> <li>18. Clarifies between parties, as appropriate, the effects of past events relating to dispute issues</li> <li>19. Demonstrates understanding of each party's situation and their feelings about it</li> <li>20. Encourages parties to describe their understanding of others' statements about feelings, needs and ideas</li> <li>21. Recognises and acknowledges conciliatory gestures and concessions ('gifts')</li> <li>22. Facilitates expressions of regret and apology between the participants</li> <li>23. Facilitates a collaborative relationship between the participants</li> <li>24. Encourages participants to openly converse</li> <li>25. Mutualises common ground between parties</li> </ol> |

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|  | <p>26. Uses silence and other nonverbal communication strategies including pauses</p> <p>27. Encourages parties to focus on the future and where appropriate, to explore their future relationship</p>   |
| <b>C: Managing the Content of the Mediation</b>  |  |
| Learners understand how to manage the mediation process without determining the content  | <ol style="list-style-type: none"> <li>1. Draws out the background and context of the situation through the use of neutral, open-ended questions</li> <li>2. Elicits the facts and the parties' perception of the situation and each other.</li> <li>3. Identifies and probes positions, and explores underlying interests, issues and needs</li> <li>4. Clarifies and checks understanding of each person's statements.</li> <li>5. Enables the participants develop clarity about their concerns</li> <li>6. 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</li> <li>7. Explores beyond surface issues</li> <li>8. Manages information exchange tactically to good effect</li> </ol>  |
| Learners skillfully summarise the essence of both parties' stories and concerns effectively  | <ol style="list-style-type: none"> <li>9. Demonstrates a good understanding of each parties needs and underlying interests (both tangible and emotional)</li> <li>10. Helps to clarify and frame the issues constructively</li> <li>11. Identifies and emphasizes shared issues and interests of the parties</li> </ol>  |
| Learners illustrate the ability to capture what both parties agreed; facilitating the development of an agenda and supporting parties to prioritise next steps to form the agreement | <ol style="list-style-type: none"> <li>12. Manages the separation of issues into an agenda.</li> <li>13. Explains to parties what will happen to any notes taken</li> <li>14. Writes clearly and concisely, using neutral language</li> <li>15. Records any agreement reached in clear, concise and unambiguous language.</li> <li>16. Helps parties to analyse risks and benefits of particular outcomes</li> <li>17. Encourages the parties to re-evaluate their own and each other's position</li> <li>18. Checks with parties that all issues have been fully explored</li> <li>19. Keeps notes, as necessary, unobtrusively</li> <li>20. 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</li> </ol> |
| <b>D. Managing Self</b>  |  |
| Learners show their understanding of the   | <ol style="list-style-type: none"> <li>1. Upholds and respects key principles of Mediation as per the Mediators' Institute of Ireland Code of Ethics and Practice.</li> </ol>  |

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| <p>MII Code of Ethics and how it applies in their practice.</p>   |  |
| <p>Learners show their ability to identify and manage their behaviour within the mediation process.</p> | <ol style="list-style-type: none"> <li>2. Demonstrates an ability to self-manage within the process</li> <li>3. Give 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</li> <li>4. Comment on specific feedback received during the course (from colleagues and/or trainers)</li> <li>5. Identify any relevant ethical issues that might have arisen in this case</li> <li>6. Identify any biases and practices from current and previous personal and professional experience that might have come up for them in this case.</li> </ol> |
| <p>Learners show good understanding of how to construct a Mediation Agreement.</p>                      | <ol style="list-style-type: none"> <li>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 mediation session.</li> </ol>   |

