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**Application for Recognition of Equivalence of Training for Membership of the Mediators’ Institute of Ireland**

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| **Applicant Name:** |  |
| **Address/Phone:** |  |
| **Email:** |  |

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| 1. **Title of all course(s) (on mediation) attended** |  |
| 1. **Course provider(s)** |  |
| 1. **Qualification achieved** |  |
| 1. **Duration of course(s)** |  |
| 1. **Pleases clarify the breakdown of course time (days/hours) allocated to**     1. ***mediation* skills**    2. **theory/knowledge of *mediation* (not just conflict/conflict resolution)** |  |
| 1. **With reference to Appendix 1 and 2 below, which outline the *Member Core Competencies* and the *Training Programme Assessment Grid* please demonstrate in detail how the course you have taken meets the required competencies** |  |

**Please supply also the following documentation:**

* **Certified evidence of your training and assessment and qualifications**
* **Course curriculum for comparison to MII Competencies requirements**

**Please note:**

* Applicants who have their training recognised as equivalent to MII requirements may then apply to complete an MII Certified Assessment. Once that assessment has been successfully completed, the applicant may apply for MII membership.
* There is a fee of €100 for the recognition of equivalence application.
* *If you proceed to sit the MII assessment there is a fee of €375  for the assessment.*

**Appendix 1**

**Member Core Competencies – Mediator’s Institute of Ireland**

**Introduction**

The standards identified here, define the core competencies required of MII Members 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 Members.

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, and are not part of the core competencies for Mediators.

1. **Managing the Process of Mediation**
2. Upholds key principles of mediation throughout the process:
   1. Confidentiality
   2. Voluntary participation in the process
   3. Self-determination
   4. Impartiality of the Mediator
3. Deals effectively with any initial resistance to mediation
4. Ensures participants have a clear understanding of the structure of the mediation process and roles
5. Where appropriate, confirms parties have authority to make decisions around resolving the issues or identifies an appropriate process regarding authority to settle.
6. Ensures the Agreement to Mediate is signed (either in joint session or beforehand)
7. Manages the introduction process in a respectful, balanced and clear fashion
8. Where applicable, assists the participants in negotiating the process, ground rules and agenda for mediation sessions
9. Uses reflective listening skills to demonstrate the Mediator has accurately captured what parties are trying to communicate
10. Picks up on and pursues verbal and nonverbal cues to promote progress
11. Enables the development of each participant’s story by asking relevant questions, particularly open questions, to encourage parties to talk
12. Attends and explores participants’ concerns and empathises appropriately with feelings
13. Adopts a pace which is responsive to the need of the parties
14. Summarises and checks before moving on
15. Manages and signposts transitions between stages and keeps all parties informed
16. Helps parties to use the time productively when not with mediator by encouraging parties to reflect
17. Demonstrates appropriate use of joint meetings and/or caucus and respects confidentiality throughout
18. Remains in charge of the process throughout and handles challenges to either the process or the mediator, calmly and assertively.
19. Manages impasse, resistance, or difficult behaviour
20. Works with power imbalance or control issues and handles intense emotions appropriately
21. Displays flexibility and uses creative strategies effectively
22. Empowers the participants to explore and find their own ways forward
23. Generates an atmosphere of creative problem solving and facilitates the parties to create solutions and work towards agreement.
24. Assists participants with option building and broadening the number or scope of options
25. Works on options, implications and consequences, and avoids premature commitment to solutions
26. Encourages parties to make their own decisions
27. Assists participants in understanding the consequences of their plans
28. Assists participants in exploring and reality-testing alternatives to mediation, using BATNA, WATNA and reality testing in a timely and effective manner
29. Assists participants with reality testing next steps, particularly through the use of questioning and consultation with other agencies where appropriate
30. Where appropriate, draws together options into a coherent agreement
31. Facilitates parties to draft terms of the Mediation Agreement
32. In the event of parties failing to reach an agreement, closes the process appropriately
33. If parties have resolved the issues (in the course of the role play), writes up the Mediation Agreement and includes reference to appropriate clauses and provisions e.g.
    * States its intended status (binding or not binding) i.e. parties do/do not intend to create legal relations
    * Process was entered into voluntarily and confidentially
    * Accurate record of parties’ names (including legal advisers if any)
    * Language used is unambiguous, comprehensive, jargon-free and neutral
    * Terms of the agreement are balanced and mutually acceptable
    * Agreement clearly states who is responsible for carrying out which terms
    * Any dates and time frames relating to the agreement are recorded
    * Parties have been advised to obtain appropriate professional (legal) advice, if appropriate/relevant
    * Reference to any relevant stipulations outlined in legislation (e.g. Mediation Act 2017)/codes of practice relating to the particular sector/context within which mediation is taking place, if appropriate
34. 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:
   1. Creating rapport
   2. Respecting the participants
   3. Encouraging mutual respect among all participants
   4. 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
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 and 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. Records any agreement reached in clear, concise and unambiguous language.
22. Keeps notes, as necessary, unobtrusively
23. Explains to parties what will happen to any notes taken

**D. Managing Self**

1. Upholds and respects key principles of Mediation as per 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
   1. Demonstrates an ability to assess own strengths and weaknesses realistically
   2. 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
   3. 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 mediation session.

**Appendix 2**

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

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| **LEARNING OUTCOMES** | **ASSESSMENT CRITERIA** |
| **A. Managing the Process of Mediation** |  |
| Learners understand the Principles of Mediation and how they apply. | 1. Learners uphold the key Principles of Mediation throughout the process. 2. Learners can deal effectively with any initial resistance to mediation. 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. |
| Learners show their understanding of the mediation process. | 1. Learners ensure that participants have a clear understanding of the structure of the mediation process and roles. 2. Ensures the Agreement to Mediate is signed (either in joint session or beforehand). 3. Manages the introduction process in a respectful, balanced and clear fashion. 4. Where appropriate, assists the participants in negotiating the process, ground rules and agenda for mediation sessions. 5. Manages and signposts transitions between stages and keeps all parties informed. 6. Summarises and checks before moving on to the next stage. 7. Remains in charge of the process throughout and handles challenges to either the process or the mediator, calmly and assertively. 8. Demonstrates appropriate use of joint meetings and/or caucus and respects confidentiality throughout. 9. Helps participants to use the time productively when not with the mediator by encouraging parties to reflect. |
| Learners show good communication skills in the mediation setting. | 1. Uses reflective listening skills to demonstrate the Mediator has accurately captured what parties are trying to communicate. 2. Picks up on and pursues verbal and nonverbal cues to promote progress. |

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|  | 1. Enables the development of each participant’s story by asking relevant   questions, particularly open questions, to encourage parties to talk.   1. Attends and explores participants’ concerns and empathises   appropriately with feelings.   1. Adopts a pace which is responsive to the needs of the participants. 2. Manages impasse, resistance or difficult behaviour. 3. Works with power imbalance or control issues and handles intense emotions appropriately. 4. Displays flexibility and uses creative strategies effectively. 5. Empowers the participants to explore and find their own ways forward. |
| Learners have a good understanding of negotiation. | 1. Learners can generate an atmosphere of creative problem solving and facilitate the parties to create solutions and work towards agreement. 2. Assists participants with option building and broadening the number or scope of options. 3. Learners work on options, implications and consequences, and avoids premature commitment to solutions. 4. Learners encourage the parties to make their own decisions. 5. Learners assist the parties in understanding the consequences of their plans. 6. 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. |
| Learners show a good understanding of the basic constructs of an agreement/settlement. | 1. Assists participants with reality testing next steps, particularly through the use of questioning and consultation with other agencies where appropriate 2. Where appropriate, draws together options into a coherent agreement. 3. Facilitates parties to draft terms of their agreement (using one of the templates provided on the training programme. |
| Learners show a good understanding of how to close a mediation (role play). | 1. In the event of parties failing to reach agreement, closes the process appropriately. 2. 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 3. technology used etc. treated in an appropriate and confidential manner |
| **B: Managing Relationships in the Mediation Process** |  |
| Learners create and maintain an appropriate environment and | 1. Allows parties to vent emotions, whilst maintaining a safe environment, in order to enable progress 2. Sets the scene and sets the tone, appears relaxed, alert and confident with the process |

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| emotional tone for the mediation conversation | 1. Is attentive to parties' comfort and needs and arrange breaks during session, as needed 2. Encourages use of preferred names 3. Conveys energy, enthusiasm and personal warmth 4. Establishes the mediator’s authority and communicates in an assured, open manner, verbally and nonverbally 5. Manages interruptions effectively 6. Reminds parties about agreed ground rules, if other interventions are ineffective |
| Learners demonstrate a respectful, trusting, balanced and impartial relationship with participants | 1. Establishes and maintains a respectful trusting and balanced relationship with the participants by:    1. Creating rapport    2. Respecting the participants    3. Encouraging mutual respect among all participants    4. Being objective and impartial in style 2. 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 3. Demonstrates neutrality through equal treatment of the parties and use of non-judgmental language 4. Encourages the participants' self determination |
| Learners demonstrate skills e.g. questions and reflective listening which support and facilitate building mutual understanding between the parties | 1. Ensures nonverbal listening cues (e.g. posture, eye contact) are supportive and balanced 2. Enables the participants hear each other’s stories 3. 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 4. Paraphrases, asks clarifying questions and summarises to assist parties to feel heard 5. Raises questions as appropriate between parties about feelings and specific behaviours to encourage constructive expression of emotions and prevent escalation of conflict 6. Clarifies between parties, as appropriate, the effects of past events relating to dispute issues 7. Demonstrates understanding of each party's situation and their feelings about it 8. Encourages parties to describe their understanding of others' statements about feelings, needs and ideas 9. Recognises and acknowledges conciliatory gestures and concessions   (‘gifts’)   1. Facilitates expressions of regret and apology between the participants 2. Facilitates a collaborative relationship between the participants 3. Encourages participants to openly converse 4. Mutualises common ground between parties |

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|  | 1. Uses silence and other nonverbal communication strategies including pauses 2. Encourages parties to focus on the future and where appropriate, to explore their future relationship |
| **C: Managing the Content of the Mediation** |  |
| Learners understand how to manage the mediation process without determining the content | 1. Draws out the background and context of the situation through the use of neutral, open-ended questions 2. Elicits the facts and the parties’ perception of the situation and each   other.   1. Identifies and probes positions, and explores underlying interests, issues and needs 2. Clarifies and checks understanding of each person’s statements. 3. Enables the participants develop clarity about their concerns 4. 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 5. Explores beyond surface issues 6. Manages information exchange tactically to good effect |
| Learners skillfully summarise the essence of both parties’ stories and concerns effectively | 1. Demonstrates a good understanding of each parties needs and underlying interests (both tangible and emotional) 2. Helps to clarify and frame the issues constructively 3. Identifies and emphasizes shared issues and interests of the parties |
| 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 | 1. Manages the separation of issues into an agenda. 2. Explains to parties what will happen to any notes taken 3. Writes clearly and concisely, using neutral language 4. Records any agreement reached in clear, concise and unambiguous language. 5. Helps parties to analyse risks and benefits of particular outcomes 6. Encourages the parties to re-evaluate their own and each other’s   position   1. Checks with parties that all issues have been fully explored 2. Keeps notes, as necessary, unobtrusively 3. 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 |
| **D. Managing Self** |  |
| Learners show their understanding of the | 1. Upholds and respects key principles of Mediation as per the Mediators’  Institute of Ireland Code of Ethics and Practice. |

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| MII Code of Ethics and how it applies in their practice. |  |
| Learners show their ability to identify and manage their behaviour within the mediation process. | 1. Demonstrates an ability to self-manage within the process 2. 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 3. Comment on specific feedback received during the course (from colleagues and/or trainers) 4. Identify any relevant ethical issues that might have arisen in this case 5. Identify any biases and practices from current and previous personal and professional experience that might have come up for them in this case. |
| Learners show good understanding of how to construct a Mediation Agreement. | 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. |