

## Certified Mediation Programme Outline and Content Overview

<b>Module 1 - Day 1</b>		
<b>Morning</b>	<b>Introduction/Programme Overview</b>	Ice-breaker and group introductions; Programme induction
	<b>Conflict dynamics theory</b>	The 'Not-So-Merry-Go-Round of Conflict' Conflict handling modes
<b>Afternoon</b>	<b>Introduction to Mediation</b>	Definitions, key mediation principles Benefits and challenges of mediation Mediation video demonstration
	<b>Stage 1: Preparing parties for mediation</b>	Preliminary mediation meetings Agreement to Mediate Role play practices

<b>Module 1 - Day 2</b>		
<b>Morning</b>	<b>Stage 1: Preparing parties for mediation</b>	Role play practices Listening skills and exercise
	<b>Stage 2: Introducing Mediation Process</b> <b>Stage 3: Hearing and Exchange of 'Stories'</b>	Key purpose and intentions of each stage Small group practices Stage 2
<b>Afternoon</b>	<b>Stage 3 Powerful and effective questions</b>	Role play practice Stage 3: large group Role play practices Stage 3: small groups Debrief, discussion & feedback from observers and trainer/coach mentor

<b>Module 2 - Day 3</b>		
<b>Morning</b>	<b>Review Module 1 Stages 2-3</b>	Role play practice Stage 2-3: large group
	<b>Framing and Reframing Stage 4: Identifying and Framing the Issues</b>	Introduction to reframing Key purpose and intentions of Stage 4 Role play practices Stage 3-4: small groups
<b>Afternoon</b>	<b>Caucus/Separate meetings Stages 3-4</b>	Separate meetings: when/how Role play practices Stage 3-4: small groups
	<b>Stages 3-4</b>	Role play practices Stage 3-4: small groups

<b>Module 2 - Day 4</b>		
<b>Morning</b>	<b>Review 'homework' Stage Five: Option Development and Negotiation</b>	Key purpose and intentions of Stage 5 Demonstration
	<b>Stages 3-5 Power in mediation</b>	Role play practices Stage 3-4: small groups Power dynamics – mediator/parties
<b>Afternoon</b>	<b>Stages 3-5</b>	Role play practices Stage 3-5: small groups

<b>Module 3 - Day 5</b>		
<b>Morning</b>	<b>Review Module 2 Stages 3-5</b>	Role play practice Stage 3-5: large group
	<b>Stage Six: Crafting Agreement MII Assessment documentation</b>	Key purpose and intentions of Stage 6 Demonstration Stage 6 Role Play Self Assessment document
<b>Afternoon</b>	<b>Stages 3-6</b>	Role play practices Stage 3-6: small groups

<b>Module 3 – Day 6</b>		
<b>Morning</b>	<b>Review ‘homework’ Role play practice Stages 2-6</b>	Pre-Assessment preparation: Role play practice Stages 2-6 (videoed – optional) Coaching and feedback from trainer/coach mentor
<b>Afternoon</b>	<b>Review ‘homework’ Role play practice Stages 2-6</b>	Pre-Assessment preparation: Role play practice Stages 2-6 (videoed – optional) Coaching and feedback from trainer/coach mentor

### **Training Methodology:**

The training methodology employs key principles of adult learning:

- Participants have already accumulated skills and experience and aims to harness and build on this.
- Training aims to meet the learners self-identified training needs
- Training should provide relevant practical skills and knowledge they can apply immediately.
- Activities are designed to engage and involve the participants as well as to appeal to the 4 learning styles as outlined by Kolb. For example courses include experiential and simulation exercises, observation and reflection exercises.
- Trainer’s role is to facilitate the learning rather than simply transmit knowledge.
- There is also an emphasis on peer observation and self-assessment during the training.

### **Training methods include:**

- Demonstrations, role playing & simulations with individual coach-mentoring and feedback, small and large group discussion, case study, peer observation, short research assignments, trainer presentation/inputs.
- Role play practice forms a core part of the training. All participants will receive extensive individual coaching and mentoring on their skill development throughout the course. Role play feedback focuses on issues and skills from each of the 4 core assessment categories: Managing the Relationships, Managing the Process, Managing the Content, Managing the Self
- Participants are also required to complete a Learning journal, written assignment and prepare and present a short presentation on an area of relevance or interest

## **Certified Member Assessment Competencies Mediators' Institute of Ireland**

### **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
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. 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.
33. Ensures any notes, flip/chart notes or any technology used etc. treated in an appropriate and confidential manner

**Overall Rating (please circle one):** 1 2 3 4 5

## **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
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

**Overall Rating (*please circle one*):** 1 2 3 4 5

### **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. Keeps notes, as necessary, unobtrusively
22. Explains to parties what will happen to any notes, flip chart paper, paper work generated.

**Overall Rating (*please circle one*):** 1 2 3 4 5

#### **D. Managing Self**

1. Upholds and respects key principles of Mediation as per the 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. Give one or two examples of how learning from the course has led to changes in your behaviour/approach while playing the role of the Mediator
4. Comment on specific feedback received during the course (from colleagues and/or trainers)
5. Identify any relevant ethical issues that might have arisen in this case
6. Identify any biases and practices from current and previous personal and professional experience that might have come up for you in this case.
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.

**Overall Rating (*please circle one*):** 1 2 3 4 5

### ***Scale to Measure Competencies, Skills and Knowledge***

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 – Exceptional:** *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 in each assessment area to an **exceptional** standard.*

**4 – Very Good:** *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 in each assessment area to a **very good standard**.*

**3 – Competent:** *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 to a **competent** standard.*

**2 – Working Towards:** *The candidate **has not achieved competence**. The candidate has displayed some the skills, knowledge and relevant interventions required in each assessment area and is working towards achieving a competent standard.*

**1 - Unsatisfactory:** *The candidate **has displayed few of the skills and knowledge** which indicate they have the ability to conduct a mediation and have failed to demonstrate appropriate use of the relevant interventions.*

Please note: Candidates must demonstrate a **Competent (3)** rating in all 4 areas to pass