



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

www.IMImediation.org

IMI Certified Mediator Training Program

Conflict Dynamics

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The Organisation

Legal name	Conflict Dynamics
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Person completing application	Felicity Steadman

Registration

If there is a requirement within a jurisdiction that a training course should be registered, then it should be complied with by the training provider, and the training course should be registered.

Year formed, and under laws of what country/ies	Formed in 1996 in terms of South African law: The Companies Act 71 of 2008
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Training course registered in accordance with jurisdiction requirements	Not required
Locations and Languages	Location: South Africa Language of instruction: English

Course Content

Course content can be divided into Knowledge Development and Skills Development topics.

The essential KNOWLEDGE topics that should be included in any training program are mediation principles; the roles of legal counsel and representatives; an overview of negotiation and conflict resolution theory; mediator ethics.

The essential SKILL topics that should be covered, demonstrated, and practiced in any training program are forms of listening skills and communication strategies, process management skills (including the use of joint and private meetings), negotiation strategies and skills to manage the content of the dispute, and ways of responding to parties' diverse behaviours.

Attach your course outline	See attachments.
Mediation principles - neutrality, voluntary nature, confidentiality, party self-determination, process	Day one between 12h00 to 12h55 - Principles - confidentiality, without prejudice, authority, voluntary; and later between Day one between 14h20 to 15h15 - neutrality and impartiality; establishing and maintaining rapport. Day two between 10h45 and 12h00 - Working with confidentiality and beginning to convey information
The roles of legal counsel and representatives	Day three between 08h30 to 09h15 - Working with lawyers

<p>Overview of negotiation and conflict resolution theory</p>	<p>Day two between 09h30 to 15h00 - Outcomes and approaches to negotiation and creating value, distinguishing positions and interests, the costs and benefits of different styles and the negotiator's dilemma, the bargaining range, the power of first offers and coaching on first offers, conveying offers and reactive devaluation, reality testing and significance of alternatives to a negotiated agreement, dealing with deadlock. Conflict resolution theory is dealt with the pre-course work.</p>
<p>Mediator ethics, including appropriate local ethical standards</p>	<p>Day two between 17h15 to 18h00 - Discussion about ethics and professional conduct</p>
<p>Forms of listening skills and communication strategies</p>	<p>Day one between 14h20 and 15.15 - non-verbal communication (mirroring and matching, pacing and leading) and managing rapport under pressure Day two between 10h30 and 12h00 - active listening and verbal communication (reflection, reframing, paraphrasing, summarising and questions)</p>
<p>Process management skills, including the use of joint and private meetings</p>	<p>Day one between 09h45 to 10h30 - Phases in the mediation process, Typical pattern of mediation meetings, Comprehensive mediation process Day one between 11h030 and 12h00 - What is the purpose and benefit of the pre-mediation contact and pre-meeting? Day one between 12h20 and 12h30 - Process - joint / private meetings, timetable the day, housekeeping, opening statements Day one between 15h30 and 16h30 - the use of side and joint meetings</p>

Negotiation strategies and skills to manage the content of the dispute	Day one between 15h30 and 16h15 - what is the mediator exploring - facts and feelings; legal, commercial and personal dimensions; past, present and future Day two between 09h30 to 15h00 - distinguishing positions and interests, the costs and benefits of different styles and the negotiator's dilemma, conveying offers and reactive devaluation, reality testing and significance of alternatives to a negotiated agreement, dealing with deadlock.
Ways of responding to the diverse behaviours of the parties	Day two between 15h15 and 16h30 - managing bias in mediation, and managing emotion in mediation

Competency Framework

A training course must have a 'competency framework' which clearly and concisely sets out the core competencies that an effective mediator should possess. This framework should be consistent with the content and skills requirements of the course as set out under Section 2 of these guidelines.

Attach competency framework	See attachments.
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Course Duration

For a course to cover adequately the necessary content using appropriate methodologies, (both of which are set out in these guidelines), courses should have a substantial number of training hours being not less than 40 hours. This does not include pre-course preparation, lunch and breaks.

Course duration	40 hours
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Group Size

It is recommended that courses have a maximum class size of 30 students, with the trainer-student ratio ranging between an ideal of 1 trainer to every 6 participants; to a maximum of 1 trainer to every 10 participants.

Maximum class size	18 on most courses, although we sometimes add up to 24 on the last three days for coaching and reassessment.
Maximum trainer to participant ratio	1:4
Overall approach to class size or trainer-participant ratio	On days one and two we have 2 lead trainers and an additional trainer to assist with demonstrations and coaching. On days 3, 4 and 5 we have a ratio of 1:4 coach/assessor to participant.

General Teaching Approach

Mediator Skills training courses should be participatory, interactive and learner focused. To ensure this, a variety of teaching methodologies should be used, including lecturing, videos, interactive exercises, individual work, group discussion, talking in pairs, and role-playing. As a guideline, for the practical part of any course, that is designed to teach the process and skills to be an effective mediator, the following percentage of time should be spent on these different approaches to training delivery: Lecturing/knowledge input/presentation – approximately 10%; Exercises and discussion – approximately 40%; Role-playing, coaching and feedback– approximately 50%

Lecturing, knowledge input, presentation	10 : The Conflict Dynamics course is highly participative with very few formal lectures and presentations. When these occur they are largely as a precursor to an exercise.
Exercises and discussion	35

Role-playing, coaching, and feedback	55
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Participant Materials

When preparation prior to the course is required, participants should receive comprehensive materials in sufficient time to allow them to prepare adequately. As a guideline, it is suggested that this should be no later than two weeks in advance of the course.

In a similar way, when participants are required to prepare for their roles in advance of the role plays, role play confidential briefs should be supplied in sufficient time to allow role players to prepare. As a guideline, it is suggested that this should be no later than one week in advance of the course.

If courses are designed with no pre-course preparation required, this guideline does not apply.

<p>In what format and how far in advance do participants receive general course materials and confidential role play briefs?</p>	<p>BETWEEN ONE MONTH AND ONE WEEK BEFORE THE COURSE: Participants receive our book 'Commercial Mediation : A User's Guide' by Brand, Steadman and Todd, and a comprehensive pack of pre-course readings and questions to prepare.</p> <p>ONE WEEK BEFORE THE COURSE: Each participant has an individualised on-line folder to which we add their role-play briefs a week before the course.</p> <p>ON THE COURSE: They then receive a participant file on the course into which we add handouts, as the learning unfolds.</p>
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Setting up Role Plays

Role plays are used for participants to practise the wide range of mediation skills in a simulated environment and also for participants to have the benefit of feedback and coaching from an experienced mediator, acting as a coach. Accordingly, role plays should be planned and run to allow the participants the maximum opportunity to learn.

Each role play in a course has a maximum of six persons for a two party mediation.	Yes
Mediation time slots within role plays are a minimum of 45 minutes	Yes
At least 50% of role plays are supervised by an experienced coach/trainer, and a coach is present for at least 50% of the role playing time	Yes
Where role plays are used as assessments, they are supervised by the assessor 100% of the role play time	Yes
Coaches are rotated among groups and participants	Yes
Coaches and trainers who coach a participant are not involved in subsequent assessment of that participants	Yes
Role plays during the course ensure participant work with the widest range of fellow participants as possible	Yes
All participants mediate the same number of times in role plays	Yes
Role plays are varied in subject matter and allow for practice of different stages of the mediation process	Yes
Comment where guidelines are not met	

Providing Feedback

Participants learn not only by practising the skills of mediators but also from receiving feedback from experienced mediators acting in the role of coaches throughout the course. Training programmes must provide opportunities for feedback to participants. This feedback should be delivered using a competency framework to ensure consistency of approach to feedback by coaches trained in delivering effective feedback (see coaches' guidelines).

How is performance feedback given to participants on your course?	Each participant plays the role of mediator 4 times on the course. In 3 instances participants are given individual feedback after the role-play. On 1 participants receive feedback from both the trainer and participants.
Attach course feedback forms or guidance	See attachments.

Performance Assessment and Accreditation

If a course is designed to assess, certify or accredit a participant as having the necessary skills and knowledge to mediate a dispute competently, then it must contain an actual assessment of the participant's mediator competence, as compared to its own competency framework, developed under these guidelines. In relation to assessment of a mediator's skills, this should be done using a participant's performance during a role play.

Does your course provide an assessment of a participant's competence as a mediator, and if so, how is this process undertaken?	The participants are assessed twice in the role of mediator. Each role-play is 60 minutes long and takes place on the last two days of the training. The assessor uses the Competency Framework attached above and follows the assessment process set out in the Guidelines to Faculty attached above. The Competency Framework is the same one as CEDR uses on its Mediator Skills Training course. This is because mediators who are accredited on the Conflict Dynamics course may choose to also have their role-plays assessed by CEDR to achieve CEDR accreditation. In such cases the video recordings of the assessed role-plays are sent to CEDR for independent
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	<p>assessment, and the same Competency Framework is used.</p>
<p>Does your course provide an assessment of a participant's knowledge as a mediator, and if so, how?</p>	<p>The pre-course work and the post coursework are knowledge-based and they are assessed, and contribute to the overall all marks awarded to the participant. These consists of the following:</p> <p>PRE-COURSEWORK: Participants receive our book 'Commercial Mediation : A User's Guide' by Brand, Steadman and Todd, and a comprehensive pack of pre-course readings and questions to prepare.</p> <p>POST-COURSEWORK: Drafting : - an agreement to mediate which the parties would sign before the commencement of the mediation, and also - a settlement agreement(s), which addresses all issues raised in the mediation and goes as far as possible to meet the needs expressed by the parties.</p> <p>Writing a 400 word piece on the each of the following two questions: - What have I learnt about myself from this course, and what will I do differently in future when managing conflict and disputes? - What practical steps can I take to promote the use mediation in the work I do and more generally in South Africa?</p>

<p>Process of appointing assessors on a course</p>	<p>Appointment as an assessor on our course is by invitation only. In order to be appointed as an assessor on our course, a person is required to provide proof that he/she has been accredited on a 40-hour mediator training course and is an experienced mediator. Once an assessor is appointed they sign a contract with Conflict Dynamics and undertake to abide by certain requirements such as making themselves available as an assessor for at least 4 days per annum. They also undertake to abide by our Guidelines for Faculty, attached previously, and to attend faculty meetings on a regular basis.</p>
<p>Clarification of passing criteria. How a student passes or fails this CMTP</p>	<p>ROLE-PLAY ASSESSMENT: The assessors give the delegates one on one feedback immediately after each of their two assessed role-plays. The feedback will be done in relation to the competencies but does not include a mark. The scale of marking of each role-play is as follows: O = outstanding, C = competent, W = working on competence, N/C = not competent To pass, delegates must achieve the following marks over the two assessed days:</p> <ol style="list-style-type: none"> a. a majority of Cs (at least 7 Cs); and b. a minimum of 2 Cs on each day; and c. no more than 1 N/C; and d. at least 1 C in five of the six individual competencies; and e. no fewer than 2 Cs under each of the headline areas of competence – Relationship, Process and Content. <p>ASSESSMENT OF WORK DONE PRE AND POST COURSE: Pre-course work must be submitted upon conclusion of</p>

	<p>the course. Post course work must be submitted within two weeks of the course ending. Delegates must achieve at least a W each for their pre- and post-course work.</p> <p>DECIDING ON FINAL RESULT: The delegate’s performance in the two assessed role-plays and their written submissions are assessed as a whole and each delegate is notified in writing of the outcome of their performance on the course and supplied with the top sheet of the assessor's notes of the role-play. The outcomes will be either: - Competent - passed - Non-yet competent - requires further training and further assessment - Not competent and not suitable for further training or assessment - Conflict Dynamics will offer a telephone discussion about the way forward. This outcome is communicated to delegates within four weeks of them having submitted their final piece of post course work.</p>
<p>Next steps taken, should a student fail.</p>	<p>In the case of a student not passing, he/she is given the opportunity to appeal the outcome of the assessment. In the case of appeals, the student is contacted to discuss the assessment. The assessment top sheet and recording of one role-play are reviewed. In the case of delegates who are unsuccessful in their appeal, i.e. still ‘Not-yet competent - requires further training and further assessment’, further coaching and assessment is offered followed by a further role-play</p>

	assessment. The reassessment is conducted by an assessor who has not previously assessed the delegate and the outcome of the reassessment is made known to the delegate within two weeks. Where pre- and post-course work is assessed as N/C the delegate are given one opportunity to correct it before a remark.
Policy documents relating to assessment (optional / if applicable)	N/A.

Facilitation of further development as a mediator

While it is accepted that training providers cannot offer actual mediations for all participants, they have an obligation, as far as possible, to facilitate participants' further development as a mediator.

Indicate what your organisation does to facilitate participants' development as mediators	On the last day of the course we cover a section on 'building a mediation practice' and supply notes in this regard. We also conduct quarterly meetings for mediators in which we discuss developments in the field and provide opportunities for continuous professional development.
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Complaints and Appeals Policy

All courses should have a clearly set out written complaints policy for participants who are dissatisfied with the quality of the course.

In addition, for those courses that have an assessment element, there should be a clearly set out appeal or review process for participants who are not satisfied with the outcome of their assessment.

Attach complaints and appeals policy	See attachments.
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Conflicts of Interest

<p>Please outline what steps you take to avoid any potential conflicts of interest between trainer/coaches/assessors and participants on your course.</p>	<p>We send the trainers/coaches/assessors the list of the names of all participants before the course commences and before the role-play groupings have been determined and before coaches and assessors have been assigned. They are asked to check this list and let us know of any conflicts of interest. Where there are conflicts we make a note of this with a X on the allocation sheet (sample attached below) and ensure that coach/assessor does not coach or assess the delegate. We also deal with conflict of interest in our contract with trainers/coaches/assessors, see attachment below.</p>
<p>Upload conflicts of interest policy (optional / if applicable)</p>	<p>See attachments.</p>

Trainers, Coaches, and Assessors

<p>Anyone seeking to act as a TCA has successfully participated in a mediation training course which meets the requirements set out above.</p>	<p>Yes</p>
<p>Where mediator registration is required in a jurisdiction, trainers, coaches and assessors are registered as mediators.</p>	<p>Not Applicable</p>

<p>TCAs have conducted at least two actual mediations of at least four hours' duration in each of the preceding three years before being appointed. Once appointed, they conduct two actual mediations of at least four-hours duration per year AND are able to show that they have maintained continuous professional development (CPD) of six hours per year.</p>	<p>Yes</p>
<p>Trainers attend 'train the trainer' training of at least 18 hours, broadly covering topics set out in the IMI guidance notes</p>	<p>Yes</p>
<p>Coaches and assessors undertake a course broadly covering topics set out in the IMI guidance notes</p>	<p>Yes</p>
<p>Trainers deliver at least one basic mediator skills training course or refresher course every two years</p>	<p>Yes</p>
<p>Coaches and assessors coach and/or assess at least four role play sessions over the course of two years.</p>	<p>Yes</p>
<p>On-going feedback is sought from course participants, and given to those delivering the course.</p>	<p>Yes</p>

<p>Comments and/or explanations</p>	<p>Mediator registration is not required in South Africa. Our trainers, coaches and assessors nevertheless meet the requirements of the South African Dispute Settlement Accreditation Council (http://disac.co.za/) with whom we are accredited (http://disac.co.za/?page_id=3513).</p>
<p>New TCAs are to be observed and given performance feedback by senior colleagues</p>	<p>Our TCAs are shadowed regularly by lead faculty to ensure that quality in delivery and performance is maintained. This means that lead trainers give each other feedback at the end of each training day, and coaches and assessors are shadowed by lead faculty and then given feedback on how they gave feedback as well as the content of their feedback and assessment marks. This is done privately. The feedback sessions in which assessors give feedback to participants following assessments are video recorded and these can be used to debrief how assessors undertake their assessments and give their feedback.</p>
<p>Explain your peer review system for trainers, coaches and assessors</p>	<p>The above process is essentially a peer review process.</p>
<p>Attach Train-the-Trainer Program</p>	<p>See attachments.</p>
<p>Attach template feedback form</p>	<p>See attachments.</p>
<p>Attach complaints policy for use should course participants wish to formally complain about a trainer, coach or assessor</p>	<p>See attachments.</p>