



# Mediation Advocacy QAP

## Competency Framework

ADRpoint assesses the competencies and skills for mediation advocates in the following way<sup>1</sup>.

### ATTENDANCE OF ADRPOINT MEDIATION ADVOCACY TRAINING & ASSESSMENT + EXPERIENCE

1. Candidates must attend the 3 day ADRpoint Mediation Advocacy Training.<sup>2</sup>
2. Following the training, candidates undertake the assessment process which comprises of 4 parts. They must undertake all 4 parts and reach a score of at least 70 points for the graded parts.
3. Following the successful completion of the assessment the candidate must provide proof of experience in order to become IMI Certified Mediation Advocate

	Part	Details	Points out of 100
1	Participate in ADRpoint mediation advocacy training and assessment	Mediation brief and strategy plan based on a case	25
		Multiple choice test	25
		60 minutes role play + draft of agreement	50
		Individual self-reflective paper (Trainees will receive either a “competent” or “not yet competent” note)	Mandatory but not graded
2	Details of experience	Submission of a CV, a logbook of mediations and a report on the candidate’s role and strategy in them	Mandatory but not graded

<sup>1</sup> ADRpoint adopts the Mediation Advocacy General Knowledge and Practical Skills Requirements set by IMI.

<sup>2</sup> Under special circumstances, where the applicant proves that already has extensive practical experience and training as a mediation advocate, ADRpoint may waive the obligation to attend the 3day training and the candidate will be eligible to undertake the ADRpoint Mediation Advocacy Training Assessment as prescribed above. In order to be exempt the candidate must fulfill one of the following criteria:

- a) successful completion of another training which covers the same topics as ADRpoint Mediation Advocacy training and is offered by an organization recognized either by IMI or the ministry of justice of the jurisdiction of the applicant OR
- b) participation in 10 additional full mediations as a mediation advocate, (not mandatory first sessions or information meetings in jurisdictions where these apply), on top of the ones required to prove the experience for the MAQAP.

## COMPETENCIES

The required competencies will be assessed across the different assessment parts as shown in the following table.

N	COMPETENCY	<i>This competency will be measured in the following part of the assessment of</i>
1	<i>Knowing when mediation may not be a suitable process to address particular issues.</i>	<i>Mediation brief &amp; Strategy Plan</i>
2	<i>Identifying procedural options and preferred processes for reaching optimal outcomes</i>	<i>Multiple Choice test</i>
3	<i>Knowledge of hybrid dispute resolution processes (e.g., Arb-Med, Med-Arb, Arb//Med, Med-Con, Med//Con, MEDALOA) and their potential advantages and drawbacks in different circumstances</i>	<i>Multiple Choice test</i>
4	<i>Understanding and applying the best timing for each Dispute Resolution process</i>	<i>Multiple Choice test</i>
5	<i>Understanding of the nature, theory, procedure, practical application, methodology, appropriateness, benefits and disadvantages of the prevalent types of mediation, schemes or programmes, procedural rules and pertinent costs</i>	<i>Multiple Choice test</i>
6	<i>Knowledge of negotiation and solution-generating processes, as well as party and participant dynamics, as contextualised by the choice of mediation process/vehicle</i>	<i>Mediation brief &amp; Strategy Plan Multiple Choice test</i>
7	<i>Understanding of the role of a mediator, and the palette of mediator methodology, psychology, core training, and practices</i>	<i>Mediation brief &amp; Strategy Plan &amp; Role Play</i>
8	<i>Knowledge of relevant laws affecting mediation practice including structure and enforceability of mediation agreements (where relevant), confidentiality and privilege /professional secrecy, and structure and enforceability of settlement agreements</i>	<i>Mediation brief &amp; Strategy Plan Multiple Choice test</i>
9	<i>Familiarity with methods of formulating solutions, including assessing alternatives (BATNA, WATNA, PATNA, RATNA [3] &amp; preparing client and self for joint/caucus mediation meetings</i>	<i>Mediation brief &amp; Strategy Plan &amp; Role Play</i>
10	<i>Ability to assist parties in separating interests from positions</i>	<i>Role Play</i>
11	<i>Ability to seek and understand the motivations behind individual positions as distinguished from the issues in dispute</i>	<i>Role Play</i>
12	<i>Familiarity with techniques like questioning, summarizing, (active/effective) listening,</i>	<i>Role Play</i>

	<i>framing and re-framing, reformulating, reflecting and paraphrasing</i>	
13	<i>Ability to make strategic choices that can help strike a balance between positional claims that advocate the clients' interests and creating value based on interests</i>	<i>Role Play</i>
14	<i>Familiarity with cross-cultural settings and dynamics</i>	<i>Mediation brief &amp; Strategy Plan &amp; Role Play</i>
15	<i>Understanding of cross-border and multi-cultural mediation paradigms</i>	<i>Mediation brief &amp; Strategy Plan &amp; Role Play</i>
16	<i>Ability to adapt procedural parameters when dealing with multi-party or complex cases involving numerous participants</i>	<i>Mediation brief &amp; Strategy Plan</i>
17	<i>Understanding of professional and ethical standards and behaviors, and the use of ethics in generating, informing and/or setting norms</i>	<i>Mediation brief &amp; Strategy Plan</i>
18	<i>Ability to draft settlement agreements as discussed by the parties to the mediation</i>	<i>Multiple Choice test &amp; Role Play</i>
19	<i>Ability to understand and interpret settlement agreements and procedural options</i>	<i>Multiple Choice test</i>
20	<i>Ability to explain the nature, theory, procedure, practical application, methodology, appropriateness, benefits, advantages and drawbacks of prevalent types of mediation within or between relevant jurisdictions, court-connected mediation schemes, ad-hoc or institutional procedural rules, applicable costs, and professional applicable professional ethics codes</i>	<i>Multiple Choice test</i>
21	<i>Knowledge of problem-solving, interest-based negotiation techniques</i>	<i>Role Play</i>
22	<i>Knowledge of the distributive (adversarial) approach to negotiation, in addition to the problem-solving (interest-based) approach and knowing when and why to apply each. Knowing how to avoid and counter unhelpful adversarial attitudes, behavior and language</i>	<i>Role Play,</i>
23	<i>Knowing how to use techniques for productively supporting the parties, their representatives, the mediator and the process, and using the mediator and the process effectively to generate a mutually accepted outcome</i>	<i>Role Play</i>
24	<i>Knowing how to effectively communicate with the mediator, prior to, during and after the mediation sessions</i>	<i>Role Play</i>

## SKILLS

The required skills will be assessed across the different assessment parts as shown in the following table. Each competency will be awarded the number of points mentioned on the last column. Candidates must reach at least 70 points to qualify.

For more details on the skills assessed in each step you can visit: <https://imimediation.org/practitioners/competency-criteria/#MA>

STAGES	STEPS	<i>The skills required at this stage will be measured in the following part of the assessment of OPTION 1:</i>	<i>Score Sheet/ Maximum Points</i>
<i>1. Pre-Mediation Stage</i>	<i>Case diagnosis and process selection</i>	<i>Mediation brief and Strategy Plan, Multiple Choice Test</i>	<i>10 (5+5)</i>
	<i>Clarifying and initiating process</i>	<i>Mediation brief and Strategy Plan, Multiple Choice Test</i>	<i>10 (5+5 )</i>
<i>2. Selection of neutral and preparation stage</i>	<i>Identify, negotiate and select mediation process and mediator</i>	<i>Mediation brief and Strategy Plan, Multiple Choice Test</i>	<i>10 (5+5)</i>
	<i>Preparation</i>	<i>Mediation brief and Strategy Plan, Multiple Choice Test</i>	<i>10 (5+5)</i>
<i>3. Mediation stage</i>	<i>General, Monitoring Progress</i>	<i>Role Play</i>	<i>8</i>
	<i>Opening statements and Agenda Setting</i>	<i>Role Play</i>	<i>7</i>
	<i>Exploration</i>	<i>Role Play</i>	<i>12</i>
	<i>Generating Options &amp; Negotiation</i>	<i>Role Play</i>	<i>13</i>
<i>4. Closing and Implementation</i>	<i>Closing</i>	<i>Role Play (including agreement)</i>	<i>10</i>
	<i>Implementation</i>	<i>Mediation brief and Strategy Plan, Multiple Choice Test</i>	<i>10 (5+5)</i>
<b>TOTAL POINTS</b>			<b>100</b>