

## Overview of the CEDR competencies - observable during the MST assessed sessions

CEDR's competencies are divided in to three broad categories; Relationship, Process and Content. The starting and the finishing point in assessing each competence is the headline below in red (e.g. R1. *Creates an environment conducive to mediation*). In order to explain competence or work still to be done in any area, an assessor may use the bullet points as indicators and examples of where the competency has been achieved or not.

<b>Relationship competencies</b>	
<b>1. Creates an environment conducive to mediation</b>	<b>2. Engages with each participant to develop communication and interaction</b>
<ul style="list-style-type: none"> <li>conveys energy, enthusiasm and personal warmth</li> <li>builds confidence in the mediator and establishes mediator authority</li> <li>sets a productive tone for the mediation</li> <li>appears relaxed, alert and well-prepared</li> <li>communicates in an assured, open manner, verbally and non-verbally</li> <li>chooses language to influence participants positively</li> <li>makes good use of the physical working environment, including seating arrangements</li> <li>acts as a good host and is attentive to parties' comfort and needs</li> <li>recognises and handles any issues of discrimination and power imbalance</li> <li>harnesses positive tension and defuses damaging tension</li> <li>is sensitive to team dynamics and manages intra-team relationships</li> <li>adapts to different individual and corporate cultures</li> </ul>	<ul style="list-style-type: none"> <li>establishes and maintains rapport with each participant</li> <li>encourages everyone to participate</li> <li>accepts and values contributions from all participants</li> <li>encourages parties to talk about what matters to them, through use of open questions and other conversational skills</li> <li>demonstrates active listening through giving full attention, prompting, paraphrasing and reflecting</li> <li>uses awareness of participants' non-verbal communication</li> <li>builds a conversation, avoiding interview, investigation or interrogation</li> <li>maintains a good airtime balance between mediator and participants and uses silence positively</li> <li>picks up on verbal and non-verbal cues</li> <li>demonstrates understanding of each party's situation, their feelings about it and its significance</li> <li>allows for expressions of emotion, by recognising, respecting and responding to them</li> <li>uses touches of humour effectively</li> </ul>
<b>Process competencies</b>	
<b>1. Establishes and maintains a safe and fair working structure</b>	<b>2. Manages the process actively and works with the phases of mediation</b>
<ul style="list-style-type: none"> <li>takes responsibility for the principles of the mediation process</li> <li>establishes confidence in the process with all participants</li> <li>demonstrates familiarity with the procedure, ground rules and responsibilities</li> <li>behaves throughout as a process manager</li> <li>ensures equal opportunity to participate</li> <li>explains, respects and preserves confidentiality</li> <li>checks confidentiality before moving on, especially at the end of private meetings</li> <li>demonstrates neutrality through equal treatment of the parties and the use of non-judgmental language</li> <li>uses the non-binding nature of the process to encourage freer participation</li> <li>opens the mediation well with clarity and structure</li> <li>supports self-determination of outcomes for each party including by recognising assumptions and holding back on own ideas for settlement</li> <li>handles challenges to the process or the mediator calmly and with authority</li> <li>is alert to ethical dilemmas and handles them safely</li> </ul>	<ul style="list-style-type: none"> <li>takes responsibility for process practicalities and pacing</li> <li>guides and advises the parties about using the process and working with the phases of mediation</li> <li>makes decisions about the order of events and the use of private and joint meetings consistent with progress</li> <li>opens and closes private meetings well, including appropriate use of summarising</li> <li>demonstrates good time management</li> <li>sets relevant tasks for participants while away from the mediator, and picks these up later</li> <li>keeps notes, as necessary, unobtrusively</li> <li>sets up any joint meetings after the opening with a clear purpose</li> <li>chairs any joint sessions in a manner that encourages productive conversations</li> <li>uses any visual aid or flipchart purposefully</li> <li>manages transitions between sessions and keeps all participants informed regarding the process</li> <li>takes time for reflection between meetings and manages own pace, energy level and emotions</li> </ul>
<b>Content competencies</b>	
<i>(assessed in relation to the relevant stage of mediation)</i>	
<b>1. Enables the parties to broaden perspectives, generate ideas and move towards a workable settlement</b>	<b>2. Facilitates a basis for information exchange, enables a flow of information between the parties and actively assists the negotiations</b>
<ul style="list-style-type: none"> <li>keeps a horizon of settlement in view for everyone</li> <li>helps parties to focus on interests, needs, priorities and options</li> <li>picks up on areas for further attention – including legal, commercial and personal aspects</li> <li>enables parties to see the situation from a broader perspective including the other party's point of view</li> <li>keeps options open, avoiding premature commitment to solutions</li> <li>manages parties' expectations</li> <li>generates an atmosphere of creative problem solving</li> <li>establishes any common ground</li> <li>guides parties to move between attention to the detail and awareness of the bigger picture</li> <li>works to find a direction for settlement and the shape of the agreement before moving to detailed terms</li> </ul>	<ul style="list-style-type: none"> <li>uses a range of questions and other active listening skills - for understanding, expanding, probing, challenging and to encourage decision-making</li> <li>identifies with the parties the topics to work on, which may include facilitating their setting an agenda</li> <li>allows the parties to talk about the things that are important to them, including when the mediator is using a flipchart to manage the discussion</li> <li>probes issues to discover what matters to parties and why</li> <li>creates opportunities for dialogue, and takes the initiative in asking for permission to disclose information, ideas or offers</li> <li>assists in formulating wording and works well with numbers to enhance the persuasiveness of messages between parties</li> <li>conveys permitted information tactically for positive impact</li> </ul>

- helps the parties to create value, including any non-financial elements, before moving to detailed negotiations
- takes account of any previous settlement offers
- identifies progress made and work still to be covered
- highlights anything learned from the causes of the dispute that may affect settlement terms
- helps parties to test that a proposed solution is workable
- helps parties draw together a comprehensive settlement package

- helps participants to save face for themselves and each other when shifting position
- recognises and works with different negotiating styles and tactics, and coaches parties to negotiate effectively
- challenges and reality-tests at an appropriate stage to encourage movement, whilst retaining the trust of the parties
- uses strategies to overcome deadlock
- helps parties to reassess the risks and benefits of particular outcomes, including failure to agree

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