



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

www.IMImediation.org

Centre for Effective Dispute Resolution

IMI Certified Mediator Training Program

The Organisation

Legal name Centre for Effective Dispute Resolution

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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	1989, UK
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<p>Training course registered in accordance with jurisdiction requirements</p>	<p>Yes</p>
<p>Locations and Languages</p>	<p>CEDR Mediator Skills Training is delivered on an annual basis in the following countries: Ireland, United Kingdom, France, Spain, Russia, United States of America, United Arab Emirates, Hong Kong, China. We also work directly with clients to deliver the Mediator Skills Training Course in many different jurisdictions. The majority of our courses are conducted in English. The annual courses that are delivered by simultaneous translation are Russia and China. When delivering work with clients, it may also be possible that they would like the course to be delivered in the local language. For example we have worked with a client in Vietnam and the course was delivered in Vietnamese by simultaneous translation.</p> <p>In order to ensure quality standards are monitored and maintained when each course is delivered, the course can only be delivered by CEDR Faculty members and the course is administered by the central management team in London.</p>

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 annex 'delegates programme'
Mediation principles - neutrality, voluntary nature, confidentiality, party self-determination, process	The mediation principles as described above are covered in the first stage of the training on day one of the programme under the title 'Review of the Preparation Phase'. Here it is explained in detail the role of the mediator and the importance of the mediation principles within the mediation process.
The roles of legal counsel and representatives	The roles of legal counsel are covered at the end of day two of the training under the title 'Process choices & working with lawyers'. This is in preparation of the coaching day role play where lawyers and legal representatives are introduced for the first time and participants get to experience what it may be like to have these present in a mediation.
Overview of negotiation and conflict resolution theory	Negotiation is covered very early on on day two of the training where we have an exercise for the participants to take part in groups, in which they practice the art of framing offers and begin the negotiation as they transition from the exploration phase of the mediation and into bargaining. As well as the hands-on exercise, negotiation is also covered in detail in our mediation handbook that every participant receives in advance of the course. The handbook covers the different aspects of negotiation, how these can be beneficial to a mediator, and how negotiation can help move the parties move to a position of potential agreement or settlement.

<p>Mediator ethics, including appropriate local ethical standards</p>	<p>Ethics are covered at the end of day two of the training under the title 'Plenary including ethics'. In addition to this, there is also a section dedicated to ethics in our mediator handbook as explained above. Here ethics are broken down in detail covering topics such as, Integrity and Honesty, Criminal Activity and Threats to Safety, Neutrality and Avoiding Conflicts of Interest etc.</p>
<p>Forms of listening skills and communication strategies</p>	<p>Active listening skills and communication skills are covered throughout the first two days of training in various different exercises practised in groups under the guidance of the trainers. CEDR believes that active listening is an extremely important skill for any mediator and therefore try to instil this from early on.</p>
<p>Process management skills, including the use of joint and private meetings</p>	<p>The management skills topics are covered under the Preparation phase as well as Opening phase of the mediator training. Here the importance of using the right meeting at the right time is emphasised to the participants and that the meeting should have a clear purpose before it takes place.</p>
<p>Negotiation strategies and skills to manage the content of the dispute</p>	<p>PSA on negotiation. During this exercise the participants are coached by the trainers on how to frame the offers to get the best results whilst making sure that the offers are credible by using reality testing.</p>
<p>Ways of responding to the diverse behaviours of the parties</p>	<p>This topic is covered on Day two of the training under the title 'Plenary including working with emotion/handling anger'. The trainers have the opportunity to go through some examples (made up and real life) of how parties may possibly react and how best to manage these emotions as a mediator.</p>

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.

See annex 'competency framework'

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	24
Maximum trainer to participant ratio	1:6
Overall approach to class size or trainer-participant ratio	We operate on a trainer to participant ratio of not greater than 1:6 and on coaching and assessment days, this ratio is maximum 1:4. This high ratio of expert trainers ensures that the programme is delivered in a way which frames the theory, skills and approach in a way which is pragmatic and directly applicable to the real challenges which mediators will face in their roles.

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	20%
Exercises and discussion	30%
Role-playing, coaching, and feedback	50%

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.

In what format and how far in advance do participants receive general course materials and confidential role play briefs?	Participants receive general material for the course approximately 1 month before the start of the course. Participants receive this material in two forms, in hard copy (folder and handbook) and online through the course webportal.
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	<p>The general course material covers the guidance for mediating, the general information of role plays, model mediation documents and policies as well as the CEDR Mediator Handbook.</p> <p>On the online webportal, participants have access to all that they receive in hard copy as well as demonstration videos a mediation CEDR Mediation Simulator.</p> <p>Confidential role play briefs are made available on the online webportal two weeks before the start of the course for participants to download.</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

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?	Once a participant has finished with the role of the mediator, the trainer observing and the participant have at least a 15 minute one to one session where feedback will be given in private based on that particular performance in accordance with the competency framework. As well as the one to one session which is fed back orally, during the assessment days the trainers make notes and write up the feedback in detail. These are also broken down into the three main competency areas (relationship, process, content) and released to the participants along side their results.
Attach course feedback forms or guidance	See annex 'assessment topsheet'

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.

<p>Does your course provide an assessment of a participant's competence as a mediator, and if so, how is this process undertaken?</p>	<p>On the final two days of the mediator skills training course participants are assessed against a set of six competencies by CEDR faculty members, themselves practicing mediators, who observe participants mediate a mock dispute on each day. The assessed competencies fall into the three previously mentioned categories: relationship, process and content.</p> <p>The first assessment role play that the participant undertakes focuses on the earlier stages of mediation, opening, exploration and usually up to early bargaining. The participants are assessed against the CEDR Competencies as how the participants demonstrate their competence at this early stage of the mediation.</p> <p>The second assessment role play that the participant undertakes focuses on the later stages of mediation; late exploration and bargaining with moving towards conclusion.</p> <p>The assessors use the competency framework to assess the participants competence as a mediator. The assessors award one of four marks in each of the 6 competency areas:</p> <p>O = Outstanding C = Competent W = Working towards competence N = Not competent</p> <p>It is a combination of the marks over the two assessment</p>
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	<p>days along with the post assignment marks that determine accreditation.</p>
<p>Does your course provide an assessment of a participant's knowledge as a mediator, and if so, how?</p>	<p>In addition to the assessments explained above, the participants' complete two post course assignments which are assessed.</p> <p>The first post course assignment asks participants to draft a settlement agreement based on the coaching day role play case study. This assignment relates to competence in being: 'able to document areas of agreement between the parties'.</p> <p>Here we are assessing to see that participants are able to document and therefore oversee the documenting of areas of agreement between the parties. The guidance for this competence indicates that participants will need to cover all relevant areas in detail; to reflect the spirit of mediation in the choice of language; and produce a written agreement which is clear, concise and unambiguous in terms of language and layout.</p> <p>The second post course assignment asks participants to write a self assessment. This assignment relates to the competence in being 'able to learn through awareness of own strengths and weaknesses'.</p> <p>We believe that all mediators need to be able to learn through awareness of their strengths and weaknesses and from their experience in order to maintain competence and develop good mediation practice.</p> <p>We ask participants to describe the strengths they bring to the role of mediator as well as then describing weaknesses and areas of their mediation skill or approach which need further development.</p>

<p>Process of appointing assessors on a course</p>	<p>For each course that we deliver in the UK, we make sure that we have an even mix of male to female trainers, from legal and non legal background and a mix of varying experience of expertise across the board. Our aim is to have a wide representation of backgrounds, for participants to be able to gain from the trainers varied experience and examples.</p> <p>We also make sure that each participant is never assessed or even coached by the same assessor twice. We believe it is important for the participants to see different styles of mediators and it helps to maintain impartiality within the assessment process.</p>
<p>Clarification of passing criteria. How a student passes or fails this CMTP</p>	<p>The assessed competencies fall into three categories: relationship, process and content. The grades available are:</p> <p>O = Outstanding C = Competent W = Working towards competence N = Not competent</p> <p>Participants are also asked to complete two written post-course assignments: A settlement agreement and a self-assessment, which are assessed, plus an optional post-course action plan. Participants must achieve at least 1xC and 1xW in the post-course assignments. If the scores achieved are lower than this, the participant will be asked to re-submit either or both of the assignments in order to satisfy the necessary standard for accreditation.</p> <p>Pass Participants achieve accreditation if, over the two assessed days combined, they attain:</p>

	<ul style="list-style-type: none"> • A majority of Cs (at least 7 Cs); and • A minimum of 2 Cs on each day; and • No more than one N; and • At least one C in each of the six individual competencies <p>Conditional Pass For those participants who achieve:</p> <ul style="list-style-type: none"> • 8 C's or more over the two days; and • No more than one N; and • At least 2's C on each day; and • Have WW in no more than one individual competency <p>are required to satisfactorily complete an additional written assignment that focuses on the area of competence which was not achieved, in order to obtain accreditation.</p> <p>Re-assessment A participant who does not achieve accreditation (including a participant who gains 7C's and has a WW), but obtains at least 3 C's on one of the 2 days, may undertake an observed role-play for re-assessment.</p>
<p>Next steps taken, should a student fail.</p>	<p>If a participant does not achieve accreditation but obtains at least 3 C's on one of the 2 days, may undertake an observed role-play for re-assessment.</p> <p>This takes place at a time convenient to the participant after they have received their results. This takes the form of two sessions of further training; one coaching session and one assessment session.</p> <p>The participant is re-assessed on their least good assessment.</p>

	<p>Participants who do not achieve accreditation, and whose overall assessment levels do not indicate that they would achieve accreditation even if they undertook further skills training (2 C's or less on both days), are awarded the Foundation Course in Mediation Skills Certificate as an acknowledgment of their participation. They are encouraged to seek advice from CEDR's Director of Training, or Assistant Director of Training, as to their prospects of achieving accreditation in the future.</p>
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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.

<p>Indicate what your organisation does to facilitate participants' development as mediators</p>	<p>CEDR is committed in supporting newly accredited mediators by providing four separate events, all at no extra cost to the participants, to help them develop further in other areas and giving the opportunity to network with other mediators. The events are very popular with participants and cover topics such as Marketing, Advanced Negotiation, Top Tips from experiences mediators and Creative use of skills gained during the training, i.e how else they might be able to use the skills other than mediation.</p>
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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 annex 'Assessment appeals policy'
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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>As the trainers are confirmed in advance of the course, as soon as we have a full and final list of participants, the list is sent out to the trainers and assessors and asked if they have any conflicts, such as someone they know well, worked with previously or from same organisation. If there is a conflict of interest, we make sure that the participant is not being assessed at any point by that particular assessor and the result is kept confidential to ensure fairness for all that take part in the training until the general release date.</p>
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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>Yes</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.	Yes
Trainers attend 'train the trainer' training of at least 18 hours, broadly covering topics set out in the IMI guidance notes	Yes
Coaches and assessors undertake a course broadly covering topics set out in the IMI guidance notes	Yes
Trainers deliver at least one basic mediator skills training course or refresher course every two years	Yes
Coaches and assessors coach and/or assess at least four role play sessions over the course of two years.	Yes
On-going feedback is sought from course participants, and given to those delivering the course.	Yes
New TCAs are to be observed and given performance feedback by senior colleagues	New TCA's would be shadowed by experienced trainers during their sessions and once the day is finished they would give feedback on what they did well and

	<p>what they may need to work on. If the experienced trainer feels that the new TCA may need further development, they would be asked to shadow another session with an experienced trainer before continuing to deliver again.</p>
<p>Explain your peer review system for trainers, coaches and assessors</p>	<p>The head of faculty is in charge of making sure that all trainers are able to deliver the training and assess at a certain standard. The trainers attend a train the trainer programme lead by our head of faculty, then they would have to passively shadow, then actively shadow before they could deliver any training on their own. If at any point the Head of faculty feels that the new TCA is not up to CEDR standard, they would not be able to continue as a trainer.</p>
<p>Attach Train-the-Trainer Program</p>	<p>See annex 'TOT manual'</p>
<p>Attach template feedback form</p>	<p>See annex 'MST course evaluation form'</p>

- End document -