



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE
Promoting Consensus and Access to Justice
www.IMImediation.org

Phoenix Dispute Solutions

IMI Certified Mediator Training Program

The Organisation

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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	2018 - UK Law
Training course registered in accordance with jurisdiction requirements	Not required
Locations and Languages	UK - 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 Annex A and B
Mediation principles - neutrality, voluntary nature, confidentiality, party self-determination, process	<p>The course outline sets out detail of each day's training including timings, content and format of training in the "5-day programme section"</p> <p>Mediation principles such as neutrality, voluntary nature, confidentiality, party self-determination and process are covered in the "Nature of Mediation" on day 1 session 2.</p>
The roles of legal counsel and representatives	The roles of legal counsel and representatives are covered on Day 1, Session 5 in the "Mediation Stage 2" section. Page 23, Annex B
Overview of negotiation and conflict resolution theory	<p>The conflict resolution theory is covered across a range of sessions. This includes:</p> <p>Psychology of conflict: Day 1, Session 3 (page.16 of Annex B) WATNA, BATNA, Future without conflict: Day 2, Session 11 Creative problem solving, reality testing: Day 3, Session 13</p> <p>Negotiation theory is addressed on Day 3, Session 13 and covers creative problem-solving, option generation, dealing with impasses and reality-testing.</p>

<p>Mediator ethics, including appropriate local ethical standards</p>	<p>Phoenix complies with the European Code of Conduct for Mediators. This is dealt with on Day 1, Session 4 - (Page.18, Annex B)</p>
<p>Forms of listening skills and communication strategies</p>	<p>Listening skills and communication strategies: Day 2, Session 9: active listening, clarifications and summarising, reframing. Elements of communication strategies are present throughout the course. For example Day 3, session 13 deals with impasses which entails certain communication strategies.</p>
<p>Process management skills, including the use of joint and private meetings</p>	<p>Process management skills are covered throughout the course. Day 1, Session 5 introduces participants to the overall structure of the process. Following this, participants are given skill development lecture and participate in role-plays with regards to each stage of the mediation including joint meetings (Section 5) and private meetings (session 9, 10,11, 12)</p>
<p>Negotiation strategies and skills to manage the content of the dispute</p>	<p>Negotiation Strategies are prominently covered on Day 3, Session 13. Essential reading on negotiation is also part of the pre-course instructions. Managing the content of the dispute is covered throughout the course. Day 1, Session 3 provides an insight to managing dispute content by applying the interests/positions/needs analogy (page 36, Annex B). This is elaborated upon on Day 3, Session 13.</p>
<p>Ways of responding to the diverse behaviours of the parties</p>	<p>This element is covered throughout the course. For each stage of the mediation, the tutor refers to possible attitudes</p>

	of the party and how they can be dealt with constructively. (page 59, Annex B)
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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 Annex C
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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	In-person training: 30 people, online: 9 people
Maximum trainer to participant ratio	In person 1:10. Online: 1-9

<p>Overall approach to class size or trainer-participant ratio</p>	<p>An appropriate class size and trainer-participant ratio is maintained to ensure the delivery of high quality training. This is specially relevant where practice role-plays are concerned where trainees are expected to be given personalised one-on-one feedback on their performance. Doing so requires adequate class sizes and ratios to be adhered to.</p>
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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%

<p>Lecturing, knowledge input, presentation</p>	<p>20%</p> <p>Our course focuses on a participatory approach to learning. Our trainers are experienced as mediators and tutors, who use their practice experience as well as teaching skills to engage with the group even during knowledge transfer and presentation sections.</p>
<p>Exercises and discussion</p>	<p>30%</p> <p>Interactive discussions and exercises are used to embed the learning content within the trainees. Some exercises include:</p> <p>Active Listening - trainees are split into pairs and made to discuss a real or fictional problem while a partner listens applying active listening skills.</p> <p>Interest/Positions - Trainees are given a series of scenarios and</p>

	<p>asked to identify the particular interests and positions characters have.</p> <p>What kind of a mediator are you? Interactive exercise where participants are required to come up with a theory of what kind of mediator they.</p>
<p>Role-playing, coaching, and feedback</p>	<p>50%</p> <p>Our courses are heavily practice focused. Participants have the opportunity to practice each stage of the mediation separately during the first three days. Throughout these stages, they receive live one-on-one feedback and coaching which is followed by a collective de-brief at the end of each session.</p> <p>The fourth day is a mock-day which again provides opportunity for further coaching and feeding individually and collectively.</p>

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>Participants receive pre-course materials at least two weeks prior to the course but are advised to complete pre-course instructions during the week leading up to the course. These instructions include reading and completing a MCQ quiz.</p> <p>Role-play briefs and related information is usually provided as homework on the eve of the exercises but can be delivered in advance to meet IMI requirements.</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?	<p>Verbal Feedback:</p> <p>Performance feedback is provided in various forms throughout the course. In the initial role-play sessions where each stage of a mediation is practiced by trainees, one-on-one feedback and coaching is provided on an individual basis. Following these sessions, the group is collectively de-briefed where further feedback is provided.</p> <p>Written Feedback:</p> <p>Written feedback for each stage is provided to trainees. The written feedback is produced by the tutor while observing performance and is a consolidation of the verbal feedback. Below example provides the feedback rubric for one of the stages of mediation.</p>
Attach course feedback forms or guidance	See Annex D for an example

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>Yes. The process is based on a practical assessment. The criteria used is the provided competency framework. The practical assessment consists of a participant performing a full mediation. This mediation is recorded and then marked by internal assessors and external moderators. The final marks awarded are a reflection of a participant's competence as a mediator.</p>
<p>Does your course provide an assessment of a participant's knowledge as a mediator, and if so, how?</p>	<p>Yes. The knowledge component is tested through a written and practical assignment. The practical assessment is described above. In order to pass, a participant must demonstrate requisite knowledge on the role of a mediator and the mediation process.</p> <p>Secondly, a participant's knowledge as a mediator is assessed in a written assessment. The written assignment criteria has been provided below.</p> <p>It consists of a 2,500 word essay on a topic usually related to mediation growth in a global or domestic context. For example, the current topic is "Is mandatory mediation the future?". Adequate responses will require knowledge of the mediation process and a mediator's role, hence providing a basis of knowledge assessment.</p> <p>Candidates have two-three weeks after the completion of the course to submit their written assignments.</p>

<p>Process of appointing assessors on a course</p>	<p>Assessors are chosen from our panel of trainers/assessors. All members of the panel are highly experienced mediators with a background in learning and development or teaching.</p>
<p>Clarification of passing criteria. How a student passes or fails this CMTP</p>	<p>Our course is assessed through written and practical assessment.</p> <p>The practical assessment passing criteria is based on the competency framework for the course and associated mark scheme. The mark scheme includes specific criteria for each stage of the mediation as well as general principles. Students must score at least 60 mark out of 100 to pass the course.</p> <p>Written assignments are usually based on broad mediation-related questions and must be separately passed for certification. The pass mark is 60 out of 100.</p> <p>The assessment process is organised as follows: There are two types of course assessments that each learner has to pass before gaining certification. This includes a written and practical assessment. The practical assessment is a 95-minute mediation which is recorded for marking purposes.</p> <p>The practical assessments are using video recordings. Both practical and written assessments are at first assessed by assessors that are employed by Phoenix Dispute Solutions. They are part of our internal learning and development team. For moderation, the assessments are then marked by external assessors. Hence, two assessors mark each assessment.</p>

<p>Next steps taken, should a student fail.</p>	<p>Students are informed that they have failed the first assessment and invited to attend a resit. Thorough feedback on the initial assessment is provided to ensure that the best possible opportunity to complete the course and gain certification is provided. Extra revision materials as well as a one-on-one session with the original course tutor to discuss any shortcomings are also offered.</p> <p>Resits are arranged sufficiently as soon as possible after the initial assessment results.</p> <p>(Both the written and practical need to be passed separately for the participant to pass the overall course)</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>We distinguish ourselves from the competition by focusing on not just providing an accredited qualification, but also equipping trainees with the commercial understanding that is crucial in properly utilising this qualification. Trainee feedback from other mediation courses indicates that post-course, participants are often left in the dark and let down about pathways into the profession, regulatory requirements and overall career development. This leads to a completely unfulfilling and ultimately futile experience. We overcome these shortcomings by incorporating a Career Building Module within our course as well as providing post-training facilitation.</p> <p>Career Building:</p>
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	<p>The career building module educates trainees about the steps they must take at the completion of their training to establish and grow their careers as Mediators. This includes an overview of the regulatory circumstances of the profession as well as the role played by organisations such as the Civil Mediation Council. Students are guided as to how they can acquire initial mediation experience post-qualification. Guest speakers, who are some of the most experienced mediators in the UK, reinforce our course offering. They speak about how they built their practices, the successes, the hardships and the key support. It should be noted that all our trainers are established, practicing mediators within the UK themselves. Students therefore also have the chance to learn about their formative years as mediators and benefit from their insights.</p> <p>The career-building module includes a marketing masterclass on how students can better direct their promotional strategy within the mediation profession.</p> <p>Post-Training Facilitation:</p> <p>Post training support and guidance is a huge part of what we do as we are committed to our alumni succeeding in the field. Having a reliable and experienced support network can be crucial to your career. Although we cannot ensure individual success as a mediator, we aim to provide you with constant guidance and support through the early stages of trainee's career.</p> <p>Helpline</p> <p>All trainees successfully completing the course will have access to a helpline to assist them during the first year of their careers. The trainee will have access to a trained expert who will be available to deal with any queries about career</p>
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	<p>building in general or specific mediations or a mediation-related issue. Helpline details will be given out as an additional document and added to the course students' pack.</p> <p>Email Support As certain issues may be too complex to be resolved over the helpline, trainees successfully completing the course will be able to access our panel of mediators through email. Email queries can include a range of subjects and Mediators will respond to a query within a specified time frame.</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 E
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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>Trainers Conducting Assessments/Participants known to organisations:</p> <p>There are two types of course assessments that each learner has to pass before gaining certification. This includes a written and practical assessment. The practical assessment is a 95 minute mediation which is recorded for marking purposes.</p>
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	<p>Both of these assessments are at first assessed by assessors that are employed by Phoenix Dispute Solutions. They are part of our internal learning and development team. For moderation, the assessments are then marked by external assessors. These manages any potential conflict of interest there might be between a trainer/coach/assessor to the extent that marks are moderated through an additional layer of external assessment.</p> <p>Conflict of interests are avoided by keeping comprehensive details of all administrative and academic staff members engaged on a particular course. These details are then matched with learners on the course to wean out the obvious conflict of interests which include:</p> <ul style="list-style-type: none"> a) A mutual financial or professional interest as a result of belonging to the same 3rd party organisation; b) A prior professional or personal relationship. <p>A full disclosure policy is incorporated within trainer agreements whereby an obligation to raise conflicts is placed.</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>
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Where mediator registration is required in a jurisdiction, trainers, coaches and assessors are registered as mediators.	Yes
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

<p>New TCAs are to be observed and given performance feedback by senior colleagues</p>	<p>All TCAs are interviewed rigorously before they are allowed to undertake training. We only accept highly experienced trainers onto the training panel as a matter of company policy.</p> <p>TCAs are observed during their initial training sessions by internal Phoenix staff. Sessions are held at the end of everyday's training for verbal feedback. This is to ensure that sufficient training standards are being met.</p>
<p>Explain your peer review system for trainers, coaches and assessors</p>	<p>Where two or more trainers are delivering training together, feedback forms are used as means of peer-review between tutors.</p>
<p>Attach Train-the-Trainer Program</p>	<p>See Annex F</p> <p>Clarification on omission of specific mediation-related content in the train the trainers slides:</p> <p>The decision to omit any mediation-specific content was based on two-fold reasoning. Firstly, as you will observe from our website, all members of our training panel are vastly experienced and well-established mediators. In addition to this, most are also highly accomplished barristers, solicitors and HR professionals. Their credentials as mediators and mediation trainers are rigorously assessed prior to induction on the email. At this stage, we are confident of their knowledge as mediators and do not</p>

	<p>want to create a patronising environment where they are taught basic elements like confidentiality. We therefore focus the content on tutoring techniques whilst allowing trainers on the trainers' programme to elaborate them within a mediation context. Secondly, if there are any gaps in this approach, these are covered by the detailed content trainers are provided with on our course which includes all relevant mediation related principles and stages of mediation.</p>
Attach template feedback form	See Annex G