



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

www.IMImediation.org

Essential Mediation Solutions Ltd

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	2019, UK
Training course registered in accordance with jurisdiction requirements	Not required

Locations and Languages	Predominant location is UK but we sometimes are asked to deliver abroad, hence this application. Language is always English.
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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.
Mediation principles - neutrality, voluntary nature, confidentiality, party self-determination, process	Day 1 - Mediation Theory
The roles of legal counsel and representatives	Day 1 - Mediation Practice 1, Starting the Mediation and Day 2 - Negotiation in Mediation and Mediation Practice Part 2
Overview of negotiation and conflict resolution theory	Day 2 - Negotiation in Mediation, Mediation Practice Part 2 and Theory of Conflict
Mediator ethics, including appropriate local ethical standards	Day 1 - Mediation Theory
Forms of listening skills and communication strategies	Day 1 - Mediator Skills

Process management skills, including the use of joint and private meetings	Day 1 - Conference and Caucuses and practiced throughout
Negotiation strategies and skills to manage the content of the dispute	Day 2 - Mediation Practice Part 2
Ways of responding to the diverse behaviours of the parties	Day 1 - Mediator Techniques, Day 2 - Theory of Conflict (Day 3 Solutions)

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 Annexes.
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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	12
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Maximum trainer to participant ratio	1 trainer to 6 participants MAXIMUM
Overall approach to class size or trainer-participant ratio	Delivery of material can be conducted by one trainer, but group practice needs to be sufficiently monitored

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	<p>(10%) The course is predominantly participatory and interactive. Individual learning needs are considered, and the course is designed to meet these by including a variety of audio, visual and kinesthetic sessions. Enquiring in advance as to specific support required ensures, for example, those visually impaired or those with dyslexia, can be catered for.</p> <p>As there is no work prior to the course (as everything is taught), the teaching is front loaded, so that delegates have learning which they can then put into practice. Delivery reduces noticeably day by day, to allow the practice of role plays to conversely increase. This means that the first day is mostly in the form of lecturing/direct teaching in order to input knowledge so that the delegates have knowledge to draw upon when they start to practice the roles plays. To achieve dynamic learning, the lecture day is interspersed with interactive exercises including group and pair work (eg, body language and listening exercises). The teacher-centred approach quickly gives way to a student-centred approach.</p>
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	<p>There are also demonstrations throughout the course by the trainers which are live and/or shown by pre-recorded videos to scaffold learning and for modelling purposes. These are then used for discussion and to highlight key learning points.</p>
<p>Exercises and discussion</p>	<p>(40%) There are plenty of stimulating interactive activities and exercises for delegates to enjoy. Class and small group activities support and cement the learning of the knowledge input. By such activities, delegates are developing self-confidence and enhancing their communication and critical thinking skills.</p> <p>Discussion and debates are encouraged throughout with additional specific Q&A timeslots.</p>
<p>Role-playing, coaching, and feedback</p>	<p>(50%) As skills are taught, these are solidified by 'doing', so there is a heavy focus on practising.</p> <p>The role playing increases day by day, as delegates become more familiar with each other and more confident with the skills required and comfortable with role playing as the week progresses. In fact, day 4 is mostly role playing.</p> <p>Delegates will support each other by way of acting as co-mediators for the initial practices before going solo. This will help them as they are gaining confidence in their skills on the course.</p> <p>Coaching of role plays will steadily increase too. At first, delegates may be self-conscious being watched but they will become quickly used to being observed and will value the coaching. Feedback generally will be delivered at the end of a practice session, but this does not preclude delegates/observers asking for time out during practice time to consult on approaches. Delegates will act as parties as well as mediators which will be a valuable learning experience for them and they will also be encouraged to provide constructive peer feedback and rationale for particular skills selected.</p> <p>Role plays are extremely varied, including pre-litigated and mid-litigation cases, business to business conflict, construction</p>

	<p>disputes, partnership, director and shareholder disagreements, personal injury, commercial neighbourhood disputes etc. These are employed as case studies to practice the different stages of the mediation process.</p> <p>Mock assessments are video recorded and provided to delegates for review alongside feedback to assist with their preparation for the final assessment.</p>
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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.

In what format and how far in advance do participants receive general course materials and confidential role play briefs?	There is no prior preparation required as everything is taught. Confidential instructions are supplied during the course with ample time for preparation.
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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
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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?	Throughout the course delivery, delegates will engage in practical mediation simulations (role play) with the guidance and support of a trainer/coach for which they will receive detailed, targeted verbal feedback. All delegates will work collaboratively with others with a view to collectively exchanging information and sharing ideas to develop good practice. Practical activities presented to delegates during the course are aimed at preparing them for the mode of final assessment.
Attach course feedback forms or guidance	See Annexes.

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. Formative assessment is conducted throughout by trainers and coaches to enable effective developments of skills throughout the course. Delegates are also encouraged to self-reflect.</p> <p>There is a one hour practical simulated role play assessment on the final day. This is assessed by an independent and experienced assessor, using the assessment criteria/competency framework provided on the assessment sheet. The role play is video recorded for moderation purposes.</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 criteria is assessed through both the practical role play assessment mentioned above, where it can be, and beyond that in a written assessment. Both elements of assessment must be passed in order to pass the course.</p> <p>Knowledge of mediation principles, roles and ethics can be and are assessed during the practical element. Knowledge and understanding of negotiation theory and conflict theory are tested through analysis and application questions on the written assignment.</p> <p>The written assignment is in the form of a portfolio to encourage participants to reflect on their skills journey throughout the course and beyond. It is considered essential practice to the development of skills to continuously reflect and participants will be encouraged to adopt this routinely after qualifying as mediators.</p> <p>As participants will be encouraged to complete the skills reflection as homework during the course and to ensure timely reflection on the assessment, the submission deadline of the written element will be 2 weeks following the final day of the course.</p>
<p>Process of appointing assessors on a course</p>	<p>We appoint assessors who are registered with the Civil Mediation Council (CMC) in England, AMATI registered/approved assessors are also welcome, as are IMI assessors. We look for both mediation and educational/assessment experience. For example, our latest assessor is an experienced mediator, registered with the CMC and AMATI, and has also held qualified teaching status since 2001. She</p>

	<p>is an AQA Examiner in Law, previously A graded for accuracy and consistency and has been an assessor of various vocational qualifications. She has also taught assessment for the PGCE - formative and summative and assessed post grad teachers and assessors. This is the preferred standard of assessors.</p> <p>As a minimum, we would expect assessors to have such mediation experience as to be registered with the CMC, or their jurisdictional equivalent (or demonstrably compliant with such registration requirements). We would then consider their experience in terms of years, cases undertaken in both numbers and variety.</p> <p>As a minimum, we would expect assessors to have an educational background as to have successfully participated in a Train the Assessor course or have a PGCE/Vocational Assessors Qualification/equivalent or their jurisdictional equivalent (or demonstrably compliant with such qualifications). We would then consider their experience in terms of years and numbers of any other or similar assessments undertaken. Assessors are subject to having their assessments moderated and to participate in moderation events.</p> <p>Applications from assessors meeting the minimum standards will be considered and applicants invited to interview and upon success will be invited to sit on a panel of assessors.</p>
<p>Clarification of passing criteria. How a student passes or fails this CMTP</p>	<p>Delegates must demonstrate successful achievement of the learning outcomes to pass the training course. Assessors are under an obligation to maintain the high standards expected for accreditation as a Civil and Commercial Mediator and must consider how delegates have achieved the expected learning outcomes as detailed on the competency framework.</p> <p>Both the practical and written assessments must be passed which is achieved by a mark of 60% or higher according to the marking criteria. The competency framework is the marking criteria and assessors must indicate how each element is achieved.</p>

	<p>The practical assessment is video recorded for moderation purposes. Both the written and practical elements are subject to moderation and must be passed by an assessor who is independent of the training.</p>
<p>Next steps taken, should a student fail.</p>	<p>Assessors will complete typed, written feedback within 20 working days of the assessment date, and this will be sent electronically to the delegate. Full descriptive feedback and feedforward will be included and should aim for maximum development of the delegate. Criticism should always be constructive and areas of development should be identified. Feedback should be criteria focused and should clearly inform the delegate how they have not met assessment requirements. There will be a re-assessment fee, but delegates are normally invited to sit the course again for free, with a view to helping them to practice their skills up to an adequately high level.</p>

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>Aftercare includes support with registration requirements and opportunities for observation for compliance. Mentoring is frequently offered.</p>
	<p><i>"I would like to thank Emma and Dawn for providing me with the opportunity to do my first mediation observation with them. Having recently become a qualified mediator, this was a chance to observe two professionals in the real world at work.</i></p> <p><i>The two women worked in perfect synthesis, utilising all of the skills that I had spent time practising throughout my training courses. When we first met the participants,</i></p>

	<p><i>Emma and Dawn quickly put both of them at ease. Before long, they had established a comfortable balance between much needed humour and meaningful conversation.</i></p> <p><i>Getting to see the process outside of a classroom made such a difference! You can't simulate the raw emotions and stakes that are on the table when faced with real people who are looking to mediation as a last bastion of hope. It made me even more enthusiastic to dive into this industry myself. Thanks again Emma and Dawn!" - Camilla Akoo- Junior Mediator</i></p>
	<p>Further such testimonials can be provided.</p>

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.

<p>Attach complaints and appeals policy</p>	<p>See Annexes.</p>
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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 mediators are independent, and our trainers and assessors are mediators, they are well skilled in maintaining impartiality. Trainers do not conduct assessments to remove the possibility of bias due to the mentoring relationship that may have developed. As assessments are also moderated, this provides an extra layer of security against any conflicts there may be.</p> <p>We aim to pre-empt and eliminate any potential conflicts of</p>
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	<p>interest. Delegate names are provided to anyone involved in the training or assessment of the course, and likewise, their names are provided to delegates. Any prior or current relationship, whether personal or professional must be declared, as must any and all other possible conflicts. This will be incumbent on both delegates (by way of terms on booking) and those involved in the course (by way of terms of engagement) as a double layer of assurance. Failure to declare risks consequences such as assessments having to be assessed by an alternative independent assessor and no further engagement in course delivery/assessment.</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>

<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>As a minimum, we would expect trainers to have an educational background as to have successfully participated in a Train the Trainer course or have a PGCE/Vocational Assessors Qualification/equivalent or their jurisdictional equivalent (or demonstrably compliant with such qualifications). We would then consider their experience in terms of years (at least 3) and numbers of any other or similar training undertaken (at least one per year).</p>
<p>New TCAs are to be observed and given performance feedback by senior colleagues</p>	<p>Any new TCA's would be mentored in a buddy system with experienced assessors. New trainers act as observers/co-trainers with experienced lead trainers and are then observed by lead trainers (who then act as co-trainers). This is to ensure consistency of quality, in both delivery and in formative assessment to develop learning, before acting as lead trainers. The new trainers will receive performance feedback after each daily session to feedforward into the next day's training. For clarity, trainers do not conduct summative assessments due to the potential conflict of interest arising from the close working relationship; this will be conducted by independent assessors.</p>
<p>Explain your peer review system for trainers, coaches and assessors</p>	<p>All trainers are subject to being evaluated by peer review. Peer review is conducted by way of co-training and co-coaching on a regular basis. Lead trainers peer review each other and external input can be sought from external sources for external moderation. Membership of AMATI assists with continuing professional development.</p>
<p>Attach Train-the-Trainer Program</p>	<p>See Annex.</p>
<p>Attach template feedback form</p>	<p>See Annex.</p>