



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

[www.IMImediation.org](http://www.IMImediation.org)

## Professional Association of Mediators in Bulgaria

*IMI Certified Mediator Training Program*

### The Organisation

<b>Legal name</b>	Professional Association of Mediators in Bulgaria
<b>Contact details</b>	Bulgaria, 1606 Sofia, 5 "Damyan Gruev" Str. Fl.1, App.1, Ms Eliza Nikolova – President of the Board, Tel. 35999887788, e-mail: <a href="mailto:rminkova@pamb.info">rminkova@pamb.info</a>
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<b>Person completing application</b>	Rubina Minkova, Board Member

### 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.*

<b>Year formed, and under laws of what country/ies</b>	2006 – PAMB is formed as legal entity under Bulgarian laws 2007 - The Minister of Justice accredited the first mediation training provider in Bulgaria and this was PAMB (November). 2008 – PAMB's first certification trainings are delivered. Under the Bulgarian Mediation Act and under all current regulations: Order of the Minister of Justice no. 17 June 2005, for Approving Procedural and Ethical Rules of Conduct
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	for Mediators (PERCM); Regulation no. 2 of the Minister for Justice on the Certification of Organisations Providing Mediator Training and on Training Standards for Mediators (Regulation no. 2); Order of the Minister of Justice of 2 November 2012 for Approving Rules for Exercising Control Over Mediation Training and Mediation Training Providers (Order of 2012).
Training course registered in accordance with jurisdiction requirements	Yes
Locations and Languages	<p>Bulgaria; Bulgarian and Russian.</p> <p>PAMB's trainings for Bulgaria have been delivered since 2008.</p> <p>4 trainings were delivered for Ukrainian citizens (since 2014), who travelled to Bulgaria – trainings interrupted due to the pandemic, plans are available trainings to be continued 2021.</p> <p>Training was delivered as well in Republic of Kazakhstan in Russian.</p> <p>PAMB delivered trainings not only in the capital of Sofia but also in some of the big cities in Bulgaria – Plovdiv, Burgas, Varna</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.*

<p><b>Attach your course outline</b></p>	<p>See Annexes.</p>
<p><b>Mediation principles - neutrality, voluntary nature, confidentiality, party self-determination, process</b></p>	<p>Yes, mediation principles are covered in:</p> <ul style="list-style-type: none"> <li>• Level 1, Module 2 – in-depth</li> <li>• Level 1, Module 4 – in the context of the opening statement and the way in which joint meetings and caucuses are conducted (this is as well the module in which the structure and the algorithm of the process are discussed);</li> <li>• Level 1, Module 7 – in the context of the participants roles and obligations in the procedure;</li> <li>• Level 2, Module 6 – in the context of the mediator’s liability.</li> </ul>
<p><b>The roles of legal counsel and representatives</b></p>	<p>Level 1, Module 7</p> <p>The module covers not only the roles of the legal counsels and representatives but as well work with them within the process.</p>
<p><b>Overview of negotiation and conflict resolution theory</b></p>	<p>Level 1 Module 1</p> <p>Level 1 Module 2</p> <p>The Mediator training program begins with definition and conflict resolution theories on which the following training is built on.</p> <p>The negotiation topic is covered immediately after the first module of the first day of training, which is logical given the understanding that mediation is a structured and assisted by a third neutral party negotiation process.</p>

<p><b>Mediator ethics, including appropriate local ethical standards</b></p>	<ul style="list-style-type: none"> <li>• Level 1 Module 7</li> <li>• Level 2 Module 1</li> <li>• Level 2 Module 6</li> </ul> <p>Ethical issues are broken down in details in different modules of the training among which are the listed below but not only:</p> <p>Level 1 Module 7: Codes of conduct of Bulgarian private providers – general guidelines; Regulation no. 2 of the Minister for Justice on the Certification of Organisations Providing Mediator Training and on Training Standards for Mediators (Regulation no. 2)</p> <p>Level 2 Module 1: European Code of Conduct for Mediators</p> <p>Level 2 Module 6: European Code of conduct for mediation providers (Ad adopted at the 31st plenary meeting of the CEPEJ, Strasbourg, 3-4 December 2018)</p>
<p><b>Forms of listening skills and communication strategies</b></p>	<p>Level 1 Module 5</p> <p>Communication – both verbal and non-verbal, is seen as instrument for channeling conflicts.</p> <p>Listening skills as part of non-verbal communication is the first issue developed in this module through exercises, comments on pictures, presentation highlighting keys of effective listening. Module contents gradually moves to active listening and from active listening to questioning and other techniques for sharing information.</p>
<p><b>Process management skills, including the use of joint and private meetings</b></p>	<p>Level 1 Module 4</p> <p>This module covers the preparation phase, the opening statement as well the process management algorithm.</p>
<p><b>Negotiation strategies and skills to manage the content of the dispute</b></p>	<p>Level 1 Module 6</p> <p>Level 2 Module 5</p>

	These modules focus on the mediators work with parties while framing their offers. A wide range of techniques is considered – from basic to advanced.
<b>Ways of responding to the diverse behaviours of the parties</b>	Level 2 Module 4

## 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.
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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.*

<b>Course duration</b>	60 training hours, according to the Bulgarian regulations. PAMB training is structured as follows: 3 levels of 2 days (weekends), which take place every other week.
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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.*

<b>Maximum class size</b>	24 participants
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<b>Maximum trainer to participant ratio</b>	1:7 When Level 3 (Practice) takes place we adhere to a ratio 1:3 or 1:4
<b>Overall approach to class size or trainer-participant ratio</b>	According to the class size PAMB adheres to the mentioned above ratio, but trainers are never less than 2. Trainers' team is flexible and adapts the number of trainers present to the structure of the teaching day. As modules include lecturing, videos, interactive exercises, group discussions, talking in pairs, and role-playing, actually only role playing requires extensive participation of trainers/assessors – so some of them are present only half day to give feedback on simulations.

## 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%*

<b>Lecturing, knowledge input, presentation</b>	18.89% overall. “Under Article 8 of Regulation no. 2, mediation training takes place over sixty hours, divided into two components – theoretical and practical. The practical component must take a minimum of thirty hours. The training is followed by an examination which has three parts – a theoretical test, a mock mediation simulation, and an interview. The exam is administered by a commission of the training provider. Upon successfully passing the exam the trainee receives a certificate.”
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	<p>So under the law only time limits about practice are defined. As well it is not clear what exactly is meant in the legal text by “practice” - whether the exercises “practical”, for example, or not.</p> <p>In this case, in “practice”, we have only included on role plays (simulations).</p> <p>It should also be noted that sometimes there is no sharp line between “discussions” and “presentation” - in this sense, within the time allotted for presentations, discussions are held too.</p> <p>Approaches to training delivery:  Role plays 50 %  Exercises 20.74%  Presentations + discussions 29.26%</p>
<b>Exercises and discussion</b>	Exercises and discussions 31.11% (20.74% exercises + 10.37% discussions)
<b>Role-playing, coaching, and feedback</b>	Role plays, coaching, 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 the General material for the course in two forms – in hard copy (book) and in electronic copy, which they can download in advance (together with the presentations) from PAMB’s teaching platform

<https://www.pamb.info/distantziona-obuchenie-2/sertifitziarashto-obuchenie-za-mediatori-na-pamb/guruprogrami/2-mediacia/2-sertificirashto-obuchenie-za-mediatori-na-pamb>

Delegates can download the book and the presentations a week before the start of the course – they receive password and username, as well they can download the general information for the role plays for Level 3 (the Practice). Information about the role plays for Level 1 and Level 2 is not disseminated in advance. The confidential information for the parties in the role plays is not disseminated in advance too.

Between the Level 2 and Level 3 (Practice), PAMB’s program provides for (as homework) testing and work with PAMB’s consumer dispute resolution online platform (this is a special online training platform – training.nais.bg). Consumer cases are delivered ad hoc.

The Book, i.e. the General material is registered at the National Library with ISBN 978 – 619 – 90794 – 4 – 7) PAMB’s training is structured as follows: 3 levels of 2 days (weekends), which take place every other week. In this sense, we believe that the materials are provided on time – actually for the Level 2 they are available to participants 21 days before the course, for Level 3 - 35 days.

## 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
Comment where guidelines are not met	Actually we have an ongoing evaluation of the delegate. Although some of the performances are not formally evaluated (with a mark), especially during Level 1 and Level 2, trainers observe very carefully the overall performance of the participant. And, if necessary, the subsequent impressions of his/her overall performance may or may not be an argument in his/her favor. For this reason, one trainer is always included in the team of assessors in Level 3 when the regular assessment of competences happens.

## 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>Each delegate participates in at least 14 mediations for the entire training. He/she is either a mediator or co-mediator 4 - 5 times for the entire training, but in all cases at least 3 times during Level 3 – Practice. In the rest of the cases he/she is a party in the mediation simulation.</p> <p>During LEVEL 1 and LEVEL 2 feedback for the mediator (co mediator) is given in an oral form, no assessment form is filled. Feedback has 3 elements – peer assessment of task performance, self assessment of task performance,</p>
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	<p>trainers'/coach's assessment of task performance. Such structuring of the feedback achieves a multifaceted effect – actually delegates also participate in the assessment of the conducted mediation procedure and in practice voice what they have learnt during the training; In addition, the mediator himself/herself evaluates - self-evaluates: PAMB's training team shares the view that in order for a mediator to avoid his/her failures, he/she must be aware of own blind spots and weaknesses.</p> <p>LEVEL 3 - feedback has the same 3 elements – peer assessment, self assessment, assessors assessment of task performance. Unlike practice with Level 1 and Level 2, assessors write up detailed feedback in an evaluation form.</p>
<p><b>Attach course feedback forms or guidance</b></p>	<p>See Annex.</p>

## 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><b>Does your course provide an assessment of a participant's competence as a mediator, and if so, how is this process undertaken?</b></p>	<p>Yes.</p> <p>PAMB adheres to a system for overall assessment of the mediator.</p> <ol style="list-style-type: none"> <li>1. Actually we have an ongoing evaluation of the delegate. Although some of the performances are not formally evaluated (with a mark), especially during Level 1 and Level 2, trainers observe very carefully the overall performance of the participant. And, if necessary, the subsequent impressions of</li> </ol>
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	<p>his/her overall performance may or may not be an argument in his/her favor. For this reason, a trainer is always included in the team of assessors in Level 3 when the regular assessment of competences happens.</p> <p>2. The delegates' demonstrated competencies as mediators or co-mediators in the simulations are assessed on the base of an evaluation grid – assessors award one of five marks in each of 10 competency areas. The marks being: outstanding (carries 5 points), proficient (carries 4 points), competent (carries 3 points), working towards competency (carries 2 points), not competent (carries 1 point).</p> <p>Successfully mediated case (successful mock mediation) means 30 points and more awarded.</p> <p>As noted above delegates mediate at least 3 simulations during Level 3 – Practice. Each delegate is assessed by a different assessor when mediator or co-mediator. Assessors are free to add their personal impressions on the evaluation sheet.</p> <p>The final assessment is made as a calculation of the average results.</p> <p>When the performance of a delegate is not sustainable, at the discretion of the assessors team the delegate can be given the opportunity to participate in a fourth role play. Participants in the training are acquainted in advance with the criteria according to which their evaluation will be performed.</p> <p>The evaluation forms are kept in the archives of PAMB.</p>
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<p><b>Does your course provide an assessment of a participant's knowledge as a mediator, and if so, how?</b></p>	<p>Knowledge is assessed in three stages:</p> <ul style="list-style-type: none"> <li>• At the end of the second day of Level 1, a test of 50 multiple choice questions is taken; the time to complete the test is 1 hour - it is necessary to achieve a score of 60% in order to be assumed that the test has been passed. The test is filled in online through PAMB's platform, the result is calculated automatically and the delegates understand it immediately.</li> <li>• At the end of the second day of Level 2, a second test of 50 multiple choice questions is taken – under the same conditions.</li> <li>• During Level 3 (the Practice) an oral exam is held – this is an interview - presentation on an exam question from the syllabus drawn in advance. Each delegate presents the main highlights of the topic, as well as his/her own interpretation of it within 5 minutes. The interview is conducted in front of all assessors for the day and in front of the group.</li> </ul>
<p><b>Process of appointing assessors on a course</b></p>	<p>PAMB is the first mediation training provider in Bulgaria (see the registration section – year 2007) and boasts the necessary number and sustainable team of trainers, coaches, assessors.</p> <p>Yet, if there is for example a delegate who is dissatisfied with the assessment received, we have the opportunity to invite colleagues from other related organizations. When choosing who to invite, we apply implicitly two criteria: prestige among the mediation community and this person should have conducted a significant number of mediations in practice.</p> <p>PAMB's trainers and assessors have excellent mediation practices with clear indicators in proof of this. The practicing mediation community in Bulgaria is concentrated</p>

	<p>around the Settlement and Mediation Center at the Sofia District Court and the Sofia City Court – the first and most developed Center in the country. PAMB's trainers and assessors (with the exception of two) are enrolled in the lists of the volunteers in the Settlement and Mediation Center at the Sofia District Court and the Sofia City Court. The Center boasts a strict system of reporting on the mediation hours spent on each procedure and on the feedbacks provided by the parties. From these statistics we draw objective information about the experience and skills of PAMB's trainers and assessors. It is on the basis of these statistics we intend to expand the circle of trainers in future. All PAMB`s trainers and assessors have to pass the TOT, organized by PAMB.</p>
<p><b>Clarification of passing criteria. How a student passes or fails this CMTP</b></p>	<ol style="list-style-type: none"> <li>1. Minimum 80 % attendance of classes;</li> <li>2. Successfully passed written exams at the first and the second level. The minimum score, which is considered a pass mark is 60% at each level.</li> <li>3. Successfully passed oral exam. The exam topic is chosen the day before the exam. The interview is conducted before an exam body, which sits and takes decisions whether the result is pass with regards to the following criteria:             <ol style="list-style-type: none"> <li>a. The answer provided by the course participant reflects the main points of the taught material;</li> <li>b. The answer demonstrates understanding of the material and critical thinking of the topics where assessment is needed.</li> </ol> </li> <li>4. Successfully passed practical exam. The exam includes direct supervision over the way the participant conducts mediation. The supervision is conducted pursuant to preliminary defined criteria. (Please see the above)</li> </ol>

	<p>5. The supervisor fills in an assessment sheet. Each participant in the training shall be supervised by at least three different assessors. In case some of the assessors decides that the result of the participant is fail – the final decision shall be taken by the majority of all members of the assessment body.</p> <p>Note:</p> <p>The normative possibility to be absent from the training as per the Bulgarian legislation is compensated as follows: A) We do not allow absence during Level 3 Practice - if the delegate has a commitment or falls ill on these dates, he/she passes Level 3 with the next CMT group; B) If the delegate is absent during Level 1 and Level 2 and misses a role-play simulation, trainers change the allocation of roles in the simulations so that the absentee should be a mediator on the days when present; C) In any case, trainers also give oral consultation - usually online. It should be borne in mind that after each level we do a test and if there is an omission, then this omission could be seen.</p>
<p><b>Next steps taken, should a student fail.</b></p>	<p>If delegates fail on test, they can do it one more time. If delegates fail on mediations, they are given the opportunity to attend Level 3 – Practice with the next certification training organised by PAMB. Fees are not paid for this participation.</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.*

Indicate what your organisation does to facilitate participants' development as mediators

- A) PAMB has developed programs for specialized mediation courses. These trainings are in accordance with the regulatory requirements in Bulgaria and their successful completion is recognized as an additional qualification, namely - trainings for acquiring additional specialization in mediation of commercial disputes, consumer disputes, family disputes, cross border disputes and workplace mediation. The main target group for the specializations is PAMB's trainees.
- B) Four years in turn PAMB organizes International Summer Schools for Negotiation and Mediation targeted at PAMB's trainees (in 2020 PAMB had to transform plans because of pandemic and yet a specialized training through ZOOM was conducted). 2017, 2018, 2019 the summer schools were at the Black Sea. Below are the links to the programs of the Summer Schools
- a. <https://mediation-net.eu/index.php/bg/mezhdunarodna-lyatna-shkola/2017/programa-17>
  - b. <http://mediation-net.eu/pdf/2018/program-20180508-bg.pdf>
  - c. <https://mediation-net.eu/pdf/2019/programa1-3-mejd-liatna-shkola-mediacia.pdf>
  - d. <https://mediation-net.eu/pdf/2020/programa-sm-obuchenie-mediacia-2020.pdf>
- For these four years international experts were involved in the trainings – 2 from Germany, 2 from the USA, 1 from Lithuania, 2 from Ukraine.
- C) About two-thirds of our trainees are either lawyers or work in structures that require from them to have dispute resolution skills - therefore, it can be

	<p>assumed that they are interested in mediation training because they need it in their current career.</p> <p>Furthermore, each year, the Settlement and Mediation Center at the Sofia District Court and the Sofia City Court announces the admission of volunteer mediators to the Court. We take care to inform the mediators who we have trained in recent years about the current round of admission of volunteers. In case they want to apply to the Center, we provide a recommendation for that person.</p> <p>Recently, we have the opportunity to offer delegates in PAMB's trainings - if they want - to join the mediation panel of NAIS – an online platform for resolving consumer disputes notified by the EC.</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.*

<b>Attach complaints and appeals policy</b>	See Annexes.
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## Conflicts of Interest

<b>Please outline what steps you take to avoid any potential conflicts of interest between</b>	Any conflict of interest must be disclosed before the training; If there is conflict of interest PAMB makes sure the participant is not assessed at any point by that particular assessor;
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<p>trainer/coaches/assessors and participants on your course.</p>	<p>Additionally, tests are delivered online and results are calculated automatically.</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>New TCAs are to be observed and given performance feedback by senior colleagues</p>	<p>Yes. They are introduced gradually in the work and are given regular feedback.</p>
<p>Explain your peer review system for trainers, coaches and assessors</p>	<p>We believe that the strength of PAMB is in the team of trainers - they are not only experts in the relevant field, but they are also involved in the overall work of the organization – and this makes them involved in all the tasks facing the organization. Among them are some of the pioneers of mediation in Bulgaria.</p> <p>Four people have been trained in Harvard's mediation program. Seven of the active trainers have completed two-day training for trainers conducted by CEDR in Sofia. Later two of them participated in at least two of the regular CEDR's trainings in London under the initiative International ADR Trainers' Network. Two of PAMB's trainers have been trained as trainers under a program of the International Development Law organization (IDLO), based in Rome.</p>

	<p>Among the active trainers there are university professors. The main assessors' discussions and adjustment of the criteria by which we evaluate and assess takes place in the days of Level 3 - Practice. After each simulation the team of assessors gathers and analyzes what happened - the criteria are discussed, information is exchanged about the participants who are unsure of their knowledge and skills. In addition, the management board of PAMB at its meetings comments regularly on what was happening at the trainings, as well as what is the content of the feedbacks provided by the participants in past trainings.</p>
<p><b>Attach Train-the-Trainer Program</b></p>	<p>See Annex.</p>
<p><b>Attach template feedback form</b></p>	<p>See Annex.</p>
<p><b>Attach complaints policy for use should course participants wish to formally complain about a trainer, coach or assessor</b></p>	<p>See Annex.</p>