



MEDIATION TRAINING

COMPETENCY FRAMEWORK

This Competency Framework is developed on the Basis of “Mediation Development Toolkit”, adopted at the 31st plenary meeting of the European Commission for the Efficiency of Justice (CEPEJ), Chapter “Basic Mediator Training Curriculum

FIRST LEVEL /DAY 1

<i>Activity/Contents</i>	COMPETENCY
<p>■ MODULE 1: NATURE OF CONFLICT Presentation 1.1 Description of Conflict; Definition of conflict – semantic analysis of the definition; Conflict analysis; Assumptions; Sources of conflict</p> <p>Presentation 1.2 Conflict cycle and escalation levels; Conflict and its transformation into a dispute.</p> <p>■ 2 Practical exercise</p>	<p>■ DEVELOPMENT OF KNOWLEDGE – DOMAIN CONFLICT THEORY Participants acquire competency to:</p> <ul style="list-style-type: none">○ Define the conflict;○ List sources and types of conflicts;○ Describe the 6 stages of the conflict cycle;○ Define the difference between conflict and dispute.
<p>■ MODULE 2: TRADITIONAL SETTLEMENT OF DISPUTES, MEDIATION AND THE OTHER ALTERNATIVE DISPUTE RESOLUTION MECHANISMS Presentation 2: Types of dispute resolution mechanisms (adjudicative, evaluative, facilitative); Short presentation of court, arbitration and mediation - 25 min.</p> <p>■ Demo film about mediation “Sun and Sea”</p>	<p>■ DEVELOPMENT OF KNOWLEDGE – DOMAIN TRADITIONAL SETTLEMENT OF DISPUTES AND MEDIATION Participants acquire competency to:</p> <ul style="list-style-type: none">○ Define the different ways of resolving disputes;○ Define the concept of mediation;○ Analyze the principles of mediation and the advantages of the procedure;○ Define when the application of co-mediation is appropriate;○ Make a comparative analysis of court, arbitration proceedings and mediation.



<i>Activity/Contents</i>	COMPETENCY
<p>■ MODULE 3: MEDIATION AS A NEGOTIATION PROCESS Presentation 3.1: Basic negotiation models. Characteristics, objectives and principles of position - based negotiations and interest - based negotiations.</p> <p>Presentation №3.2: Moving from position-based negotiations to interest-based negotiations. Basic steps and techniques.</p> <p>■ Exercise: Ostrich eggs</p>	<p>■ DEVELOPMENT OF KNOWLEDGE – DOMAIN BASICS OF NEGOTIATION AND MEDIATION</p> <p>Participants acquire competency to:</p> <ul style="list-style-type: none">○ Identify the factors that help on or impede negotiations.○ Define positional negotiations and interest-based negotiations and state their goals and principles.○ Apply the basic steps and techniques for moving from positional negotiations to interest-based negotiations.
<p>■ MODULE 4: THE MEDIATION PROCEDURE PHASES Exercise: Demo “Mediation opening statement” on behalf of the trainers, Debrief</p> <p>Presentation 4.1. Structure of the procedure: Initiation, Beginning, First joint meeting, Caucuses, Subsequent joint meetings, etc., Concluding meeting. Beginning of mediation with caucuses.</p> <p>Presentation 4.2. Mediation algorithm: scan of the case and definition of the disputable issues; exploration of interest; generating and evaluating options and solutions; negotiation and choice of mutually acceptable solution; final agreement and closure.</p> <p>Presentation 4.3.</p> <ul style="list-style-type: none">- Initiation of mediation; Preparation for the process; Agreement to mediate. <p>First joint meeting and opening statement (introduction, mediation principles, structure and essence of the process, ground rules). Objectives of the first joint meeting.</p> <p>Presentation 4.4. Caucuses – objectives, necessity to hold caucuses, when it is appropriate.</p>	<p>■ DEVELOPMENT OF KNOWLEDGE – DOMAIN BASICS OF MEDIATION</p> <p>Participants acquire competency to:</p> <ul style="list-style-type: none">○ Describe the stages of the procedure (structural and essential) and understand the mediation algorithm;○ Describe the objectives of the first joint meeting and the subsequent caucuses and joint meetings;○ Explain the conditions under which mediation is suspended or terminated;○ Indicate the mandatory content and the legal consequences of the settlement agreement as well its enforcement. <p>■ PRACTICAL SKILLS - BASICS</p> <p>Participants acquire competency to:</p> <ul style="list-style-type: none">○ Demonstrate skills in opening mediation;○ First steps in process management skills – use of joint and private meetings;



<i>Activity/Contents</i>	COMPETENCY
<p>Presentation 4.5. Final meeting – closure. Suspension and termination of mediation. Settlement agreement – mandatory contents and participation of the mediator in its preparation (if any). Enforcement of the settlement agreement.</p> <p>Exercise: <i>Suspension and termination assessment exercise</i></p> <p><u>MEDIATION ROLE PLAY:</u> 3 – 4 delegates in a group; at the end - discussion and comments on the performance; objective of the simulation – developing skills to conduct mediation through all phases and compliance with the algorithm,</p>	

FIRST LEVEL /DAY 2

<i>Activity/Contents</i>	COMPETENCY
<p>MODULE 5: BASIC COMMUNICATION SKILLS</p> <p>Presentation 5.1. Communication as: a) source of conflict; b) reflection of a conflict; c) instrument for conflict resolution. Barriers to communication (“broken telephone”).</p> <p>Presentation 5.2. Verbal and non-verbal communication. Elements and types of non-verbal communication.</p> <ul style="list-style-type: none"> ■ Exercise – Non-verbal communication – Identification of non-verbal grammar (comments on pictures) <p>Presentation 5.3. Active listening</p> <ul style="list-style-type: none"> ■ Exercise – “Speechless Listener” <p>Presentation 5.4. Types of questions and aims of questions</p> <ul style="list-style-type: none"> ■ Exercise - Questioning 	<ul style="list-style-type: none"> ■ PRACTICAL SKILLS - BASICS Participants acquire competency to: <ul style="list-style-type: none"> ○ Be aware of the various elements of nonverbal communication. ○ Skills of mirroring or reflecting; ○ Be aware of active listening; ○ Skills to ask different types of questions; ○ Skills of paraphrasing and summarizing, normalizing and neutralizing.



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<p>Presentation 5.5. Paraphrasing and summarizing</p> <ul style="list-style-type: none"> ■ Exercise: Paraphrasing in large group – re-wording of an example text ■ MEDIATION ROLE PLAY (family case) 3 – 4 delegates in a group; at the end - discussion and comments on the performance; objective of the simulation – practicing communication skill 	
<p>MODULE 6: BASIC MEDIATION TECHNIQUES</p> <ul style="list-style-type: none"> ■ Exercise: Discussion - group understanding of what is „skills” and what is “techniques” <p>Presentation 6.1: Basic mediation techniques – empathy</p> <ul style="list-style-type: none"> ■ Exercise: Empathy – talking in pairs on a given topic/topic of personal interest with third party monitoring who expresses disapproval, discussion <p>Presentation 6.2: Basic mediation techniques – reframing, reality check, suggestion of the mediator, BATNA/WATNA</p> <p>Exercise 6.2: Reframing – group work with each group member reframing a sentence communicated by his/her peer</p> <p>MEDIATION ROLE-PLAY: Objective – practicing mediation techniques taking into account the stage of the mediation process. Group discussion</p>	<ul style="list-style-type: none"> ■ PRACTICAL SKILLS - BASICS <p>Participants acquire competency to:</p> <ul style="list-style-type: none"> ○ Define and use various mediation techniques: Reframing Empathy Reality check Suggestion of the mediator BATNA / WATNA ○ Be aware when to use the different techniques.
<ul style="list-style-type: none"> ■ MODULE 7: PARTICIPANTS IN MEDIATION – Roles and Responsibilities Module objectives <p>Presentation 7.1. Role of the mediator – rights and obligations in the procedure under the BG law and regulations; attributes related to professional ethics; professional requisites; preparation for co-mediation when necessary;</p> <p>Presentation 7.2. Role of the attorneys-at-law, experts, consultants. Summary</p>	<ul style="list-style-type: none"> ■ DEVELOPMENT OF KNOWLEDGE – DOMAIN: ATTRIBUTES OF A MEDIATOR; ROLES OF THE PARTIES, THEIR COUNCIL AND THE OTHER PARTICIPANTS IN MEDIATION BASICS OF MEDIATION <p>Participants acquire competency to:</p> <ul style="list-style-type: none"> ○ List the participants in the mediation procedure (mediator, parties, lawyers and experts), their rights and obligations in the procedure; ○ Define and analyze the role and legal responsibilities of the



<i>Activity/Contents</i>	COMPETENCY
	mediator, as well as apply the basic recommendations for effective preparation for mediation (co-mediation); <ul style="list-style-type: none">○ Explain the role of the parties' assistants - lawyers, experts, consultants.

SECOND LEVEL /DAY 1

<i>Activity/Contents</i>	COMPETENCY
<p>MODULE 1 LEGAL FRAME OF MEDIATION</p> <p>Presentation 1.1. Review of the relevant BG regulations: The Mediation Act and other laws providing regulation of mediation; By-laws: Order of the Minister of Justice no. 17 for Approving Procedural and Ethical Rules of Conduct for Mediators (PERCM); Regulation no. 2 of the Minister for Justice on the Certification of Organizations Providing Mediator Training and on Training Standards for Mediators; Order of the Minister of Justice of for Approving Rules for Exercising Control Over Mediation Training and Mediation Training Providers</p> <p>Presentation 1.2 Review of the relevant EU regulations: Directive 2008/52, Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR) Recommendations of Council of Europe. European Ethical Rules.</p> <ul style="list-style-type: none">■ Exercise: Discussion on concise cases raising ethical issues – choice of code of conduct.	<ul style="list-style-type: none">■ DEVELOPMENT OF KNOWLEDGE – DOMAIN: LEGAL FRAMEWORK OF MEDIATION AND LEGISLATION RELATED TO MEDIATION <p>Participants acquire competency to:</p> <ul style="list-style-type: none">○ List the basic acts of the EU and the basic documents of the Council of Europe on mediation issues○ Work with the Mediation Act of Bulgaria○ Work with the EU Directive 2008/52 providing regulation for cross-border disputes○ Singapore Convention.
■ MODULE 2: TYPES OF MEDIATION	■ DEVELOPMENT OF KNOWLEDGE –



<i>Activity/Contents</i>	COMPETENCY
<p>■ Exercise: Demo film “Power Brands” – commercial dispute (Participants will be asked to identify the specifics of mediation in commercial, family, workplace, administrative disputes. Summary on behalf of the trainer)</p> <p>Presentation 2.1.: Types of mediation procedures – facilitative, evaluative, transformative mediation. Difference in mediation approach in accordance with the type of the dispute – specifics of mediation in family, commercial, administrative, workplace, consumer matters. Online mediation. Hybrid forms for dispute resolution;</p> <p>Presentation 2.2.: Introduction to PAMB’s training platform for online resolution of consumers disputes</p> <p>ROLE PLAY (Transport of waste) Exercise (HOMEWORK) – 3 delegates (mediator, consumer and retail dealer) resolve online a dispute through PAMB’s training platform.MEDIATION ROLE-PLAY: Objective – practicing mediation techniques taking into account the stage of the mediation process. Group discussion.</p>	<p><u>DOMAIN: MAIN CHARACTERISTICS AND DIFFERENCIES OF MEDIATION IN CIVIL, FAMILY, ETC. MATTERS</u></p> <p>Participants acquire competency to:</p> <ul style="list-style-type: none">○ Define the types of disputes - subject of mediation, according to the Mediation Act in Bulgaria,○ Explain the specifics of the mediation procedure in family, administrative, commercial, workplace, consumer disputes; cross-border disputes.○ Explain the difference between facilitative, evaluative and transformative mediation○ Explain the hybrid forms Med-Arb and Arb-Med <p>■ PRACTICAL SKILLS</p> <p>Participants acquire competency to:</p> <ul style="list-style-type: none">○ Use the online platform for consumer dispute resolutions○ Master the skills and techniques learned so far○ Master co mediation skills○ Manage the mediation process
<p>■ MODULE 3: MEDIATOR MODE OF ACTION</p> <p>■ Exercise – Mediator working style - questionnaire</p> <p>Presentation 3.1. Mediator working styles; Presentation 3.2. Strategies to manage conflicts</p>	<p>■ PRACTICAL SKILLS</p> <p>Participants acquire competency to:</p> <ul style="list-style-type: none">○ Be aware of their own working style;○ Effectively adjust personal style according to the basic strategies for resolving conflicts.



SECOND LEVEL 2 /DAY 2

<i>Activity/Contents</i>	COMPETENCY
<ul style="list-style-type: none">■ MODULE 4: CHALLENGING PARTIES<ul style="list-style-type: none">■ Exercise: “Problematic behaviors on behalf of the parties” (Work in small groups followed up with plenary presentation)Presentation 4.1 “Typology of problem behaviors”<ul style="list-style-type: none">■ Exercise: – Strategies and techniques to respond to the diverse behaviors of the parties (Work in small groups)Presentation 4.2 Ways to respond and deal with difficult people	<ul style="list-style-type: none">■ PRACTICAL SKILLS Participants acquire competency to:<ul style="list-style-type: none">○ List the main problematic behaviors of the parties in mediation;○ Implement successful strategies to deal with these behaviors
<ul style="list-style-type: none">■ MODULE 5: ADVANCED MEDIATOR TECHNIQUES Presentation 5.1. Advanced techniques and their relevance to mediation phases; Recognition of manipulation and lie; Techniques to prevent and break impasse; Cognitive biases and their influence on the decision making process – how to minimize their impact and improve decision making; Resolving a problem with different alternative solutions – Brainstorming and the “Six Thinking Hats” model; Management of emotions. Exercise: Exercises aimed at building skills for the use of advanced mediation techniques<ul style="list-style-type: none">■ ROLE PLAY (Ling and Stoichkov). Objective of the role play – practicing advanced mediation techniques taking into account the stage of the mediation process. Group discussion.	<ul style="list-style-type: none">■ PRACTICAL SKILLS Participants acquire competency to:<ul style="list-style-type: none">○ Apply new mediation techniques;○ Be aware of what is lying and manipulation;○ Manage emotions and work with emotional intelligence;○ Acquire skills to creatively solve problems and decision making skills and thus to manage the content of the dispute
<ul style="list-style-type: none">■ MODULE 6: ORGANIZATION OF MEDIATION ACTIVITY Presentation 6.1: Who can mediate a dispute under Bulgarian Mediation Act. Building a successful mediation practice – how to develop a good understanding of the surrounding mediation community, local associations, standards, necessity of ongoing training and qualification.<ul style="list-style-type: none">■ Interactive exercise: Browsing on mediation	<ul style="list-style-type: none">■ DEVELOPMENT OF KNOWLEDGE – DOMAIN - INTERACTION BETWEEN MEDIATORS, JUDGES, LAYERS, MEDIATION USERS AND STAKEHOLDERS Participants acquire competency to:<ul style="list-style-type: none">○ Plan their own development as mediators;○ Describe the function of the Mediation



<i>Activity/Contents</i>	COMPETENCY
<p>organizations' web sites to examine the mediators' panels. Group discussion on the structure of randomly selected mediator profiles.</p> <p>Presentation 6.2: Mediation Centers - foundation, structure, documentation and accountability of mediation centers under Bulgarian regulations; European Code of Conduct for Mediation Providers (adopted at the 31st plenary meeting of the CEPEJ); Standard mediation forms.</p> <ul style="list-style-type: none"> ■ Exercise: Screening tools. Screening of a case and assessment of its suitability for mediation. Plenary work. ■ ROLE PLAY "Dismissal at the Auto Dealer Facility" (Objective of the role play – practicing advanced mediation techniques taking into account the stage of the mediation process. Group discussion and plenary discussion) 	<p>Centers and the documentation they work with;</p> <ul style="list-style-type: none"> ○ Define the stages of court referral to mediation; <p>■ PRACTICAL SKILLS</p> <p>Participants acquire competency to:</p> <ul style="list-style-type: none"> ○ Weigh up which cases are suitable and which are not for mediation.

THIRD LEVEL – PRACTICE – TWO DAYS

<i>Activity/ PRACTICE</i>	COMPETENCY
<p>Program for the 2 Two Days practice</p> <ol style="list-style-type: none"> 1. The delegates mediate or co-mediate at least three mock mediations (minimum 8 simulations are performed for the 2 days). Simulations are assessed on the base of an evaluation grid – assessors award one of five marks in each of 10 competency areas filling an assessment form. 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). 2. Oral exam: interview - presentation on an exam question from the syllabus drawn in advance. 	<ul style="list-style-type: none"> ■ PRACTICAL SKILLS <ul style="list-style-type: none"> ○ Mastering the listed above skill ○ Assessment of skills ■ DEVELOPMENT OF KNOWLEDGE – DOMAIN – ASSESSMENT OF KNOWLEDE