

Set of Competency/Assessment Criteria

Module 1: The written assessment consists of twenty questions based on a commercial dispute scenario. This assessment is consistent with the knowledge competency set of criteria. The participant must get at least 75%.

Pass: 75-100%

Referral; 59-74%

Fail: 0-58%

Module 2: The oral assessment is based on a performance during a role play of 90 minutes. The delegates are assessed in order to demonstrate their communication and negotiation skills in a simulated mediation environment. The participant must be competent and demonstrate as many skills as possible (at least 50% of the competent framework criteria).

Planning and Organizing the Mediation

Managing the Mediation Process

This category concerns the following:

- ✓ Setting an appropriate tone by explaining the mediator's role through the opening statement covering confidentiality, authority to settle, no imposed settlement, not binding until in writing, voluntary process, mediator's neutrality and without prejudice
- ✓ Dealing with interruptions
- ✓ Managing emotions
- ✓ Challenging inappropriate behaviour
- ✓ Setting ground rules of respect, non violent communication and open to settlement
- ✓ Encouraging communication between the parties
- ✓ Helping parties to move from the past to the future
- ✓ Creating confidence in the parties

Managing the Relationship with the parties

This category concerns the following:

- Communication skills

Non-verbal communication:

- ✓ Open and positive body language
- ✓ Position of the body
- ✓ Proxemics
- ✓ Facial expressions
- ✓ Eyes movement, focus and expression
- ✓ Breathing, heartbeat, perspiration
- ✓ The pace, pitch and intonation, volume, variations, pause of the voice
- ✓ Physical gestures

Verbal communication:

- ✓ Active listening
- ✓ Empathy
- ✓ Stressing confidentiality

- ✓ Being genuinely curious rather than inquisitorial
- ✓ Reflecting (the content, the emotions, the process)
- ✓ Paraphrasing
- ✓ Reframing
- ✓ Summarizing
- ✓ Mirroring
- ✓ Effective use of silence
- ✓ Neutralizing
- ✓ Mutualizing: identify parties' common interests and shared goals
- ✓ Opening/ Breaking the ice questions
- ✓ Elicitive questions
- ✓ Exploratory questions
- ✓ Clarifying questions
- ✓ Probing questions
- ✓ Focusing questions
- ✓ Relational questions
- ✓ Circular questions
- ✓ Hypothetical questions

- **Negotiation skills**

- ✓ Establishing the issues and set the agenda
- ✓ Identifying strengths and weaknesses
- ✓ Identification of common interests
- ✓ Identification of reconcilable differing interests
- ✓ Identification of irreconcilable differing interests
- ✓ Encouraging parties to "step into other party's shoes"
- ✓ Moving from positions to interests
- ✓ Being aware of national negotiating styles and sensitive to cultural differences
- ✓ Developing options
- ✓ Engaging in quantitative assessment
- ✓ Demonstrating the BATNA, WATNA, RATNA
- ✓ Problem-solving skills
- ✓ Interest –based negotiation:
 - Separating the people from the problem
 - Focusing on interests, not on positions
 - Generating a variety of possibilities before deciding what to do
 - Insist on the result being based on objective criteria
 - Exploring options creatively
 - Expanding the pie (not only financial possibilities)
- ✓ Creative thinking
- ✓ Mind map
- ✓ Brainstorming of ideas
- ✓ Reality testing the positions and assumptions
- ✓ Smart testing the offers
- ✓ Risk assessment
- ✓ Challenging assumptions
- ✓ Acknowledging and breaking the deadlocks
- ✓ Call breaks when needed
- ✓ Setting realistic deadlines
- ✓ Concessions –Apology

- ✓ Changing strategy
 - ✓ Emphasizing the progress made
 - ✓ Stressing the power of seat and the benefits of settlement
 - ✓ Showing optimism and energy
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- *Not all skills and processes will be demonstrated during assessment. The candidate demonstrates effectiveness at the time of the assessment in whatever situation is presented.*
 - *Not all mediations are the same and what might be appropriate in one might not be so in another. Criteria are intended to measure effectiveness and appropriateness rather than style.*
 - *Assessors grade candidates based on competent or not yet competent*