



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

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

## The Academy of Legal Mediation

*IMI Certified Mediator Training Program (CMTP)*

### The Organisation

**Legal name**

Toolkit Company V.O.F.

The Academy of Legal Mediation, part of Toolkit Company

**Contact details**

The Academy of Legal Mediation, part of Toolkit Company, Administrative address: Houtlaan 20-D, 3016 DA Rotterdam, The Netherlands.

Visiting address: Karl Weisbardstraat 182-201, 3015 GM Rotterdam The Netherlands. 31 (0)10 - 760 71 11 +31 (0)6 - 54 33 6191 Manon Schonewille  
+31 (0)6 - 57 30 7964 Huub Liefhebber;  
[academy@toolkitcompany.com](mailto:academy@toolkitcompany.com),  
[info@toolkitcompany.com](mailto:info@toolkitcompany.com)

**Website**

Dutch program:

<https://www.academylegalmediation.nl/opleiding-legal-mediator>

English spoken program:

<https://www.academylegalmediation.nl/english-spoken-mediator-training>

English website: [www.academylegalmediation](http://www.academylegalmediation)

**Program delivery**

The program and its assessment may be delivered in person, online, or a mix of both.

**Locations and languages**

The Netherlands, Dutch

Greece and Cyprus, Greek

Switzerland, English

Worldwide, English (hybrid)

## 1. 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
<b>Training course registered in accordance with jurisdiction requirements</b>	Yes

## 2. 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 Annex – ALM Course Outline</p>
<p><b>Mediation principles - neutrality, voluntary nature, confidentiality, party self-determination, process</b></p>	<ul style="list-style-type: none"> <li>• Mediation principles – neutrality, its voluntary nature, confidentiality, party self-determination (Module 1, 3 and 9);</li> <li>• Process (overview in module 1, the steps of mediation and the mediator’s role within each step are dealt with in each following module, which has a focus on a specific stage in the process. In the last modules, we focus again on the full mediation process, including all stages).</li> <li>• The opening statement by the mediator (Module 3).</li> </ul>
<p><b>The roles of legal counsel and representatives</b></p>	<p>The roles of legal counsel and representatives (Module 10)</p>
<p><b>Overview of negotiation and conflict resolution theory</b></p>	<p>An overview of negotiation and conflict resolution theory (Modules 2, 4, 5, 7)</p>
<p><b>Mediator ethics, including appropriate local ethical standards</b></p>	<p>Mediator ethics, including any appropriate ethical standards existing in the region in question. (Modules 4, 9,11)</p>
<p><b>Forms of listening skills and communication strategies</b></p>	<p>Forms of listening skills and communication strategies (Module 9 specifically, also debriefed throughout the roleplays, and we do the toolkit intervention game where techniques are extensively practiced)</p>
<p><b>Process management skills, including the use of joint and private meetings</b></p>	<p>Process management skills including but not limited to the use of joint and private meetings (throughout the whole course, joint session/caucus in module 6, process</p>

	management in particular in Modules 9, 10, 11, 12)
<b>Negotiation strategies and skills to manage the content of the dispute</b>	Module 2, Module 9, Module 12)
<b>Ways of responding to the diverse behaviours of the parties</b>	Throughout the whole course, in particular in Modules 9, 11, 12

### 3. 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 the guidelines.

Attach competency framework	See Annex – ALM Competency Framework
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### 4. 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>	44 hours, 12 modules, 6 days (this is the minimum). In practice, there are always additional days/modules to comply with local regulations
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<p><b>Asynchronous learning</b></p> <p><i>Up to 10% of the minimum 40 hours' course may be delivered asynchronously. Applies to programs that are conducted partially or entirely online.</i></p>	<p>From the 44 hours, 0 asynchronous. There is homework, including watching a demonstration video and preparing a settlement agreement, notes as a summary of a mediation, etc. However, that is additional to the 44 hours.</p>
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## 5. Group Size

It is recommended that courses have a maximum class size of 30 students.

<p><b>Maximum class size</b></p>	<p>21 (Greece), 16-21 (other jurisdictions): All courses comply with the local customs of trainer-student ratio. Our courses never exceed 21 students (which is the number laid down in the Greek law) and generally we use a maximum size of 16 students (Dutch MfN rule)</p>
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## 7. 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%.

The trainer-student ratio should range between an ideal of 1 trainer to every 6 participants; to a maximum of 1 trainer to every 10 participants.

<p><b>Lecturing, knowledge input, presentation</b></p>	<p>Of 44 hrs net training approx. 4,5 hrs theory/formal lecturing (=280 min) = 10%, indicated white in the attached course outline</p>
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<b>Exercises and discussion</b>	Of 44 hrs net training approx. 17,5 hrs exercising and discussing (= 1050 min) = 40% indicated blue in the attached course outline
<b>Role-playing, coaching, and feedback</b>	Of 44 hrs net training, approx. 22 hrs role-playing (14 role-plays = 1315 min) = 50%, indicated green in the attached course outline

## 8. 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.

<b>In what format and how far in advance do participants receive general course materials and confidential role play briefs?</b>	Our experience is that most of the participants do not prepare beforehand by reading literature. So, to avoid having a class of only partially prepared participants, we provide all literature for the in-person trainings after the first introductory meeting, which is 1 or 2 weeks before the program starts. For the rest, we provide specific homework instructions on which parts of the literature need to be prepared before the next class. This works much better as everyone is on the same page. For the roleplays: when it is a simple case, it can be prepared in class by the parties. For complex roleplays, we sometimes work with training actors, and we send the roleplays before the next class, right after finishing the previous class. So that generally means, on
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	average, 1 week before.
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## 9. 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.

<b>Each role play in a course has a maximum of six persons for a two party mediation.</b>	Yes
<b>Mediation time slots within role plays are a minimum of 45 minutes</b>	Yes
<b>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</b>	Yes
<b>Where role plays are used as assessments, they are supervised by the assessor or a course manager 100% of the role play time</b>	Yes

<b>Coaches are rotated among groups and participants</b>	Yes
<b>Coaches and trainers who coach a participant are not involved in subsequent assessment of that participants</b>	Yes
<b>Role plays during the course ensure participant work with the widest range of fellow participants as possible</b>	Yes
<b>All participants mediate the same number of times in role plays</b>	Yes
<b>Role plays are varied in subject matter and allow for practice of different stages of the mediation process</b>	Yes
<b>Comment where guidelines are not met</b>	Nearly all roleplay interaction is supervised by a coach or trainer in a small group.

## 10. 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).

<p><b>How is performance feedback given to participants on your course?</b></p>	<p>Various forms of feedback are given:</p> <ul style="list-style-type: none"> <li>• Private 1 on 1 in an individual discussion with the trainer</li> <li>• From the parties</li> <li>• From a trainer or coach either in a small group or in a plenary, also including general learnings that are shared with the whole group.</li> <li>• Feedback/debriefing on the learning platform</li> </ul> <p>For this informal feedback, we use the format: general feedback, tips (what can be improved), tops (what went well).</p> <ul style="list-style-type: none"> <li>• We also request participants/mediators to reflect on their own performance and learnings. This is done in the form of discussion: stop, start, continue doing, etc.</li> <li>• The toolkit QAP assessment tool is generally used as the competency framework. As well as the guidelines of the Dutch MfN. If an (in)formal assessment is done this QAP tool forms the basis.</li> <li>• After the course we offer a 20-30 minute individual coaching call / meeting with a trainer to each participant where among others personal development and individual overall feedback can be discussed.</li> </ul>
<p><b>Attach course feedback forms or guidance</b></p>	<p>See Annex – ALM Feedback Form.</p>

## 6 and 11. Online programs

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).

<b>Course design</b>	<p>Our courses nearly always include an in-person practice component. For the online components. We keep online training lively by working with several alternating trainers, not just presenting while sitting in front of the zoom camera but also using a webcam to see the trainer fully. We do a lot of small group work in break-out rooms, have regular breaks where we also do extra things like inviting a yoga teacher or physiotherapist to do exercises to stay fit and engaged. We alternative discussion with presenting work small group work. We use zoom for the interactive part and a digital learning platform for asynchronous homework and interacting outside of class hours. We give the participants tasks that take them away from the screen like working on solving a dilemma, preparing a strategy or analysing ICNM's. We engage in teaching techniques through a game (toolkit game). There are exercises where participants need to engage in other interactive forms like initiating a mediation by receiving a phone call. The trainers do demos. We often work with training actors who will sit in the same room, so it feels nearly like being in person. And of course, we specifically have a module on online mediation online (which is outside the 44 hours but we generally add this to our programs). Participants are required to be visible and engaged during the entire training. We engage more trainers with coaches online per participant ratio than we typically do in person trainings: generally with a group of 3 1 coach/trainer in practice or small group work</p> <p>In principle we always have a face to face component, however in particular cases where it is difficult, impossible or too burdensome for the participant we may give a waiver and include this participant in a fully online or blended format to ensure that everyone can complete a CMTP. This is the exception, but I would like to keep this possibility open because in the past we have had some participants with e.g., disabilities,</p>
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	<p>afraid of flying/traveling, health problems, not being able to leave home for several days because of parents, kids and/or spouses that need constant care. Very busy practice. Or participants who would have to travel very far, from a low GDP country, etc. where the additional travel, venue etc time and costs would make following this training if the in-person component is compulsory unreachable. For specific circumstances I would like to keep the opportunity to offer the training fully online.</p> <p>The measures described in the application that we take to keep the online training interactive, mimicking real life situations, high quality and enjoyable stay the same.</p>
<p><b>Provisions for participants not able to attend all 40 hours</b></p>	<p>They can participate for the missed parts in another course so they can complete the program.</p>
<p><b>Preparing the participants</b></p>	<p>We provide the literature (Toolkit Generating Outcomes) and many checklists beforehand. We start the online course with an introduction meeting, we provide a digital environment to interact and stay in touch with each other or ask questions to the trainers before or outside of classes.</p>
<p><b>Informal meetings</b></p>	<p>Via the digital platform, we provide veery nice lunches in a special restaurant, often have informal gathering after the training with some bites and drinks. For online we also have 'coffee-meetups' with one of the trainers around the classes to have an opportunity to informally connect. Same with in person during the lunches.</p>
<p><b>Role-plays for post-course assignment</b></p>	<p>Our courses nearly always include an in-person practice component. Our online trainings also always have in person components. We deliver at least 4 days in person. So, the majority is done face to face. The online exercises and roleplays mainly deal with online mediation and online intake, theory and discussion. For the other roleplays, we increase the</p>

	<p>trainer/participant ratio so that there is a coach/trainer in each break-out room.</p>
<p><b>Written component of post-course assignment</b></p>	<p>Our courses nearly always include an in-person practice component. Although we have homework like writing a settlement agreement, summarising a mediation meeting, sending a notice of conclusion etc. These are uploaded in our digital platform and the trainers review them for general feedback. In particular the trainer who does the individual coaching meeting at the end of the training will look at these documents and answer any specific questions. Participants only get their certificate if they complete all homework.</p>
<p><b>Feedback on post-course assignment</b></p>	<p>Our courses nearly always include an in-person practice component. See answer before this one + general feedback based on reviewing the uploaded documents (many participants encounter similar things) . And also individual feedback during individual coaching meeting with the trainer.</p>

## 11. 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> <ol style="list-style-type: none"> <li>1. Each participant mediates on the last day 45 minutes with 2 parties while being observed by an assessor if this is for an official IMI Qualified assessment, and by a coach or trainer if they opt out of international certification and only want to informally assessed to receive their</li> </ol>
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	<p>certificate.</p> <ol style="list-style-type: none"> <li>2. Results are rated and reviewed based on the official ALM-TC Mediator Assessment Tool, which is also used for IMI Certification (see CMTP Annex).</li> <li>3. Besides the pass/fail rating by the assessors based on the assessment tool, the mediator is also observed and gets specific feedback from another participant and the parties in the roleplay. This feedback is structured and based on our 'Practice module feedback form' (general feedback, tips -what can be improved - and tops - what went well).</li> <li>4. The mediator also provides beforehand a self-assessment covering their style/approach as mediator, their strengths, their points of improvement and a personal development plan. And also gives feedback on their performance during the assessment roleplay</li> <li>5. Results of 2 and 4 are reviewed during the individual coaching meeting of approx. 30 minutes with each participant and a trainer. Here, the result of the assessment (pass/fail) and points of improvement, as well as strengths, are reviewed, together with the structured feedback provided by the parties and the observations of the participant-observer.</li> </ol>
<p><b>Does your course provide an assessment of a participant's knowledge as a mediator, and if so, how?</b></p>	<p>Yes, multiple choice questions to test knowledge and in particular train participants for the MfN theory exam.</p>
<p><b>Process of appointing assessors on a course</b></p>	<p>These are independent assessors who also do the QAP IMI certified mediator assessment programs for the formal IMI Qualified Mediator assessment.</p>

<p><b>Clarification of passing criteria. How a student passes or fails this program</b></p>	<p>See toolkit tool.</p> <p>To pass for the IMI Qualification, a candidate can score a maximum of one 'inadequate' (1 point) in any total sum of a category. This means they can have a max of one 'fail' in any category, and 3 of the 4 categories should be a clear pass. One fail (of 1) is only acceptable provided there is no 0 'missing behaviour/aspect not observed or unacceptably dealt with' in any of the subcategories and the candidate has identified this as one of their weaker points that they are still working on in their self-assessment.</p> <p>The main questions - besides the specific grading based on the tool- underlying an assessment: "Does this mediator qualify as a professional mediator who does not cause any major risk by violating/ignoring basic principles and who will continue to grow and become more professional by reviewing their own professional functioning on a regular basis." And "Are the parties better off after the interventions of / process with the mediator?" (more insights/understanding, moving on, getting into a position where they can make decisions, get clarity, etc.). It is these two general questions that the assessors ask themselves after filling in the scoring card to support them with their overall pass/fail decision. Particularly, if a candidate scores just around the pass norm (which are always the most complex cases to assess).</p> <p>The self-assessment and feedback of the candidates themselves play, therefore, a crucial role and count double in the assessment tool.</p> <p>While scoring for IMI certification and qualification, the assessors are generally stricter for the IMI Certified mediators (e.g. it should run smoothly, showing the experience in how they deal with situations, support the parties, apply techniques, etc.). A qualified mediator who comes freshly out of a training course may not be as</p>
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	<p>smooth an operator. However, they are expected to show the behaviours described in the tool.</p> <p>An assessment is rated as 'with distinction' if the candidate scores 'with distinction' in 3 or more categories.</p>
<p><b>Next steps taken, should a student fail.</b></p>	<p>They can retake the assessment for the same payment (option formal assessment addition). Even if this means it needs to be organized separately from a training.</p>

## 12. 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><b>Indicate what your organisation does to facilitate participants' development as mediators</b></p>	<p>A session as part of the course that deals with how the mediation profession works within the various jurisdictions concerned in the course and how mediators can market themselves is offered as part of module 8 (where we deal with brainstorming techniques).</p> <p>We stimulate joining YMI or local organisations and offer opportunities for ongoing development, show possible mentoring opportunities, co-mediations, offer intervision, supervision, CPD and especially stimulate interacting with other mediators who are trained by Toolkit (each class has their own closed group on the digital learning platform, and we also have an international and Dutch alumni group). We cover various certification and assessment possibilities and follow up.</p> <p>After the course we offer a 20-30 minute individual coaching call / meeting with a trainer to each participant where among others personal development can be discussed.</p>
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### 13. Complaints and Appeals

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 Annex – ALM Complaints & Appeals Policy
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### Conflicts of Interest

<b>Please outline what steps you take to avoid any potential conflicts of interest between trainer/coaches/assessors and participants on your course.</b>	Participants know beforehand who the trainers are, trainers know beforehand who the participants are. In case any issues arise that cannot be solved/would hamper learning or development experience the trainer is replaced. A coach would not work with a participant. And obviously we do a thorough check with any assessor beforehand. Assessors, training actors for assessments as well as the participants need to sign a 'integrity declaration' as part of the assessment documents. See the last pages of the assessment tool
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### Trainers, Coaches, and Assessors

<b>Anyone seeking to act as a TCA has successfully participated in a mediation training course which meets the requirements set out above.</b>	Yes
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<p><b>Where mediator registration is required in a jurisdiction, trainers, coaches and assessors are registered as mediators.</b></p>	<p>Yes</p>
<p><b>TCA's 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.</b></p>	<p>Yes</p>
<p><b>Trainers attend 'train the trainer' training of at least 18 hours, broadly covering topics set out in the IMI guidance notes</b></p>	<p>Yes</p>
<p><b>Coaches and assessors undertake a course broadly covering topics set out in the IMI guidance notes</b></p>	<p>Yes</p>

<b>Trainers deliver at least one basic mediator skills training course or refresher course every two years</b>	Yes
<b>Coaches and assessors coach and/or assess at least four role play sessions over the course of two years.</b>	Yes
<b>On-going feedback is sought from course participants, and given to those delivering the course.</b>	Yes
<b>Comments and/or explanations</b>	All our trainers have gone through a training of trainers course / workshops and/or training on the job with an experienced trainer
<b>New TCAs are to be observed and given performance feedback by senior colleagues</b>	New TCS's join as a co-trainer first. When they teach always a lead trainer is present. After each module/day learnings and possible improvements are discussed and taken into account for the next trainings. We hold peer-intervision discussions to review.
<b>Explain your peer review system for trainers, coaches and assessors</b>	See above. It's a very important and an ongoing process. Besides the above, we ask written feedback of the participants at the end of a course, also regarding teachers and when points of improvement come up we address them with the trainer/coach/actor them. If a

	<p>trainer/coach/actor fails to improve (or consistently is not open to feedback) then we will work with another professional in the future. We also hold regular feedback rounds with participants of how they feel and perceive the course and instructors. Besides this, we have a community and can interact easily through our digital learning platform.</p> <p>We offer a 5 day formal training for trainers course which we have successfully done so since 2012. There is a formal performance based assessment tool that we use to accredit and review trainers (these criteria also form the base of our review of trainers). However this tool is special knowledge and not in the public domain and I do not want to upload it and distribute it on the web. So in case the auditors would like to review this please reach out per e-mail and I'm happy to send it to you for your personal review.</p> <p>For feedback from participants we use forms in compliance with each jurisdiction. I have translated and attached the evaluation form that we use most, which is the MfN form.</p>
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