

PROFESSIONAL MEDIATION WORLDWIDE Promoting Consensus and Access to Justice www.IMImediation.org

Indian Law Society's Centre for Arbitration and Mediation (ILSCA)

IMI Certified Mediator Training Program

The Organisation

Legal name Indian Law Society's Centre for Arbitration and

Mediation (ILSCA), Pune, India

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Program delivery The program and its assessment are delivered in

person, online, or a mix of both.

Locations and languages Pune, India/English

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.

Year formed, and under laws of what country/ies	2016, India
Training course registered in accordance with jurisdiction requirements	Not required

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.

Attach your course outline	See Annex Course Content
Mediation principles - neutrality, voluntary nature, confidentiality, party self-determination, process	Unit 9 of the Course Module
The roles of legal counsel and representatives	Unit 27 of the Course Module
Overview of negotiation and conflict resolution theory	Units 18 & 19 of the Course Module
Mediator ethics, including appropriate local ethical standards	Unit 12 of the Course Module

Forms of listening skills and communication strategies	Units 12 & 16 of the Course Module
Process management skills, including the use of joint and private meetings	Unit 21, 22, and 23 of the Course Module
Negotiation strategies and skills to manage the content of the dispute	Units 18, 19 & 21 of the Course Module
Ways of responding to the diverse behaviours of the parties	Units 4, 6 & 19 of the Course Module

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 Competency Framework

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.

Course duration	40 hours
Asynchronous learning Up to 10% of the minimum 40 hours' course may be delivered asynchronously. Applies to programs that are conducted partially or entirely	Up to two hours. Most learning in the ILSCA 40-hours Mediation Training Programme is synchronous and in presence of the trainers.

online.	

5. Group Size

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

Maximum class size	20

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.

Lecturing, knowledge input,	15% - ratio: 1:10.
presentation	The ILSCA Mediation Training lays emphasis on theoretical learning as well as practical application. The first few hours of the training are solely dedicated to methods of lecturing and presentations, after which the training proceeds to a practical-based approach. The training begins with the basics of mediation and proceeds to more complex discussions; thus, theoretical learning seems necessary for the participants to understand and comprehend the concept of mediation.
	and comprehend the concept of mediation.

Exercises and discussion	40% - ratio: 1:10
	Mediation Training at the ILSCA focuses on exercises and discussions to ensure that learning is two ways. Discussions help participants clarify their doubts, if any, and have conceptual clarity; exercises other than role-plays enable them to see different perspectives of the same narrative, thus helping them widen their horizons.
Role-playing, coaching, and feedback	45% - ratio: 1:6 Role-playing and constant feedback for each stage of mediation lie at the core of ILSCA's approach to mediation training. During the many role-plays, participants are encouraged to don different hats of parties, legal counsels, or mediators - from time to time in order to understand the process in a more wholesome manner. Every exercise is reviewed by the trainers, coaches as well as peers from the group, and subsequently, feedback is given.

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.

In what format and how far in advance do participants receive general course materials and confidential role play briefs? After each session of the training, the participants are provided with the reading material for that training - mostly in the form of PPTs – presented by the resource persons for that session – to enable the participants to reflect upon and understand the contents of the training better in hindsight.

The participants are also provided additional reading material - in the form of links, essays, or academic articles - for a better understanding of the process.

Additionally, they are also given books for reading – Very popular books on Mediation:

- (a) 'Getting to Yes' by Roger Fisher and William Ury;
- (b) 'Mediation Practice and Law' by Sriram Panchu.

These books are sent to the participants by courier to their registered address.

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.

Each role play in a course has a maximum of six persons for a two party mediation.

Roleplays are an integral part of mediation training programs at the ILSCA. The roleplays are designed in such a way that each participant gets the opportunity to play the role of a mediator at least once through the exercises. The roleplays are typically two-party mediations. ILSCA encourages all participants to essay the roles of requesting parties, responding parties as well as observers, in some instances, to ensure a wholesome understanding of the process

	from varied perspectives. Through roleplays, parties are also taught how to co-mediate.
Mediation time slots within role plays are a minimum of 45 minutes	Every roleplay typically lasts for 45 minutes. Participants are divided into groups of three - one participant for requesting party, one for the responding party, and the mediator - or, in groups of six - two participants for requesting party, two for the responding party, and two mediators. Additionally, participants are asked to record their roleplays on their respective devices. Such recordings are then forwarded to ILSCA on the same day, for the trainers to critically examine each group's performance. This is followed by a feedback session the following day.
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	The roleplays are supervised by the trainers.
Where role plays are used as assessments, they are supervised by the assessor or a course manager 100% of the role play time	As for the assessment roleplays, ILSCA divides the participants into groups of three or six, as the case may be. There are typically three propositions. Participants essay different roles in each proposition in such a way that each participant acts as a mediator at least once.
Coaches are rotated among groups and participants	Yes

Coaches and trainers who coach a participant are not involved in subsequent assessment of that participants	The assessment roleplays are assessed live by neutral assessors who have not been associated with the training of the participants in any manner.
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	

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).

the mediation training program. To do so, every roleplay by the participants is critically reviewed by the trainers/coaches, and subsequently, feedback is given to the participants.	How is performance feedback given to participants on your course?	ILSCA believes in and stands for constant improvisation of the participants over the course of
The participants are reviewed both in the capacity of		critically reviewed by the trainers/coaches, and subsequently, feedback is given to the participants.

	parties as well as mediators during the program. Feedback given to the participants is verbal, at the beginning of the following session the following day. However, ILSCA does have a standard checklist of criteria across which feedback is given. Those criteria are included in a document attached herewith. (See FeedBack Form below) As for the roleplay assessments, the feedback is given verbally to each participant immediately upon the completion of the round.
Attach course feedback forms or guidance	See Annex Feedback Form

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).

Course design	Moving a training programme that was otherwise conducted offline to an online platform has its own challenges. The first step that ILSCA took to combat this challenge was to reduce the number of hours of training per day from eight (8) as was the norm for in-person training to four (4) hours per day for online training. The training is now conducted for four hours every day between 4 p.m. and 8 p.m a time convenient for students as well as working professionals. The platform that ILSCA uses for the training is 700m.
	Zoom.

The sessions are planned in such a way that there is a break of at least 10 minutes for every 1.5 hours, so that screen fatigue is avoided, and participants come back refreshed after the break for the following session.

As for on-screen visibility, the trainers are required to keep their cameras on throughout the course of the training. The participants are also required to keep their cameras on at all times, barring exceptional circumstances that do not allow them to do so. However, the activity of the participants is kept in check by random questions posed by the trainers and activities being asked to be performed. In order to keep the sessions interesting and participants are shown dynamic engaging, presentations, and videos, asked to perform activities, share different perspectives of the same narrative, divided into breakout rooms to engage in activities, etc.

Provisions for participants not able to attend all 40 hours

The ILSCA mandates the completion of 40 hours of training for all participants. However, in exceptional circumstances where participants are unable to attend all 40 hours of training, they are sent a recording of the sessions that they missed and advised to view such recording prior to the session the following day, so that they keep up with the pace of the training, provided that the number of hours of training missed does not exceed four hours. At the discretion of the trainers, such participants may also be given additional coursework in order to

	compensate.
Preparing the participants	ILSCA uses Zoom - one of the most commonly used platforms in India - for conducting the training online. ILSCA provides pre-course guidance to participants who may be new to the platform. We also provide written guidance on the usage of the software for ease of operation. The ILSCA provides pre-course video training sessions to the participants on the usage of the platform. Additionally, the ILSCA also ensures that constant administrative assistance is provided to the participants who may face trouble in using the platform.
Informal meetings	Training Programmes under ILSCA pre-COVID have always been conducted offline, and the participants have had the chance to meet formally and informally every day of the course. The COVID-19 pandemic has posed challenges to meeting offline, and we think it best to avoid the risk. However, in the aftermath of COVID, should the participants be interested, the ILSCA would be pleased to organize an informal meet-and-greet to help grow their network and connect with each other.
Role-plays for post-course assignment	The post-course assignment with respect to role plays is carried out on the last day of the training over a period of 8 hours. All the participants are divided into groups of three or six – as the case may be – for the roleplays. The participants are given a total of three

propositions on that day. Thus, roleplays are carried out in three different rounds for three different propositions. The division of the group remains the same throughout the three rounds; however, the roles of the participants change. That is to say, every participant essays the role of the approaching party in one round, the responding party in one round, and the mediator in one round.

As for the feedback, the assessors watch the roleplay exercises live, and at the end of every round, provide the participants with feedback on their performance. The assessor for one group remains uniform across all rounds. The assessor, then, at the end of all three rounds, gives comprehensive feedback for the participants to note.

As per our course structure, ILSCA conducts the entire training program online using the Zoom Platform, wherein we make full use of its features like the breakout rooms, etc. Thus, our assessments, too, are conducted online.

But the nature of our assessments is unique - wherein, the assessment roleplays are performed in the presence of a live assessor who assesses the participants, and thereafter also gives them feedback. The entire assessment roleplay is also recorded, after duly informing the participants of the same and obtaining their consent, and the recording is maintained with the ILSCA as well.

After the conduct of the live roleplay assessment and written assessment, the participants, in order to acquire IMI accreditation, need to complete an inperson assessment - either at the ILSCA Premises or

at another venue of their convenience.

Where the participants choose to conduct the inperson assessment at ILSCA, the roleplays shall be recorded by the ILSCA and maintained by them for at least one year from the date of assessment.

Where the participants choose to conduct the inperson assessment at a venue other than the ILSCA, they shall record the roleplays, and upload it on the link provided to them by the ILSCA.

After the in-person assessment, the participants will also be required to submit a written report to the ILSCA - either by hand, by post, or by email - explaining how the conduct of the in-person roleplay was different from the online roleplay in terms of building rapport with the parties, physical arrangements at the venue and the overall experience of in-person roleplay, no later than seven days after the conduct of the in-person roleplay.

Written component of post-course assignment

Participants who have appeared for all three rounds of the practical assessments are then required to complete a written assessment. The written assessment consists of multiple-choice questions, true/false questions, and descriptive-answer questions. The assessment is conducted online, via Google Quiz. Participants are given one week from the date of completion of the practical assessment to complete and submit their written assessment.

The written assessments are assessed by a neutral assessor.

After the in-person assessment, the participants will also be required to submit a written report to the

	ILSCA - either by hand, by post, or by email - explaining how the conduct of the in-person roleplay was different from the online roleplay in terms of building rapport with the parties, physical arrangements at the venue and the overall experience of in-person roleplay, no later than seven days after the conduct of the in-person roleplay.
Feedback on post-course assignment	For practical assessment, feedback is provided to the participants at the end of each round and/or towards the end of all rounds by live assessors who assess the rounds. As for written assessment, participants may receive feedback for their responses upon request.
Supporting documents	

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.

Does your course provide an assessment of a participant's competence as a mediator, and if so, how is this process undertaken?	Yes. The ILSCA Mediation Training Programme is designed to assess, certify, or accredit a participant as having the necessary skills and knowledge to mediate a dispute competently.
	While informal ongoing continual assessment continues to take place throughout the course, the course assesses participants on the last day based solely on performance during a role play. At the end of the course, the participants are assessed on the

basis of a simulation exercise by neutral assessors. Neutral assessors assess the participants' performance as mediators in a live simulation against the ILSCA's Competency Framework as laid down earlier in this form. Assessments are recorded; however, they are assessed live and shared with trainers at the end of the training.

Each round of simulation is followed by personal feedback from the assessor. At the end of all rounds, the assessor for that group also gives comprehensive feedback to the participants.

Does your course provide an assessment of a participant's knowledge as a mediator, and if so, how?

Yes. Participants who appear in all three rounds of the practical assessment are further given a theory assessment to test their mediation knowledge. The assessment consists of a combination of multiple-choice questions, true/false questions, and descriptive-answer questions. The participants are evaluated out of a total of 40 marks.

Mediation knowledge is assessed, through a theory examination, and is consistent with the knowledge requirements set out in ILSCA's competency framework. The evaluation is carried out by a neutral assessor.

Process of appointing assessors on a course

The assessors appointed to assess the practical simulation are established practicing mediators who have been associated with the ILSCA and have been conducting Mediation Training Programmes and mediations actively for more than three years immediately preceding the date of appointment as assessor. Trainers and coaches for that batch may, under no circumstances, be appointed as assessors.

As for the theory assessment, the ILSCA appoints faculty trained in mediation and have knowledge of mediation to evaluate the descriptive-type answers.

Clarification of passing criteria. How a student passes or fails this program

In order to pass ILSCA assessments and qualify as mediators certified and accredited by the ILSCA, all participants must successfully complete 40 hours of training, practical assessment as well as theory assessment.

In order to pass the practical assessment, the participant has to satisfy the assessor on at least 70% of the criteria in the evaluation sheet. Please note that the 'yes' or 'no' criteria are the criteria for evaluation; the score of 1 to 10 is included in the comments section for the assessors to address, in order to give more clarity of feedback to the participants so that they know what they could do better.

In order to pass the theory examination, the participant has to secure at least 70% of the total marks.

Next steps taken, should a student fail.

The ILSCA views assessment as a process of learning rather than a mere formality. Should a student fail, the ILSCA provides such student(s) another opportunity to successfully complete their assessment - both in practical as well as theory assessments.

In the practical assessment, if the student performs unsatisfactorily, a recording of such performance

shall be referred to another neutral assessor for review. If the decision remains the same after review, such student shall be given another proposition to mediate before a third, neutral assessor at such time as may be convenient to the assessor, the ILSCA, and the student.

If the student fails the theory assessment, the assessment is put for review before another assessor. If the result remains the same after review, the student shall be given another test to complete at such time as may be specified by the ILSCA.

Policy documents relating to assessment (optional / if applicable)

See Annex Assessment Policy

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.

Indicate what your organisation does to facilitate participants' development as mediators The ILSCA, in association with ILS Law College, conducts a National Mediation Competition titled 'Intercessionis' every year. Participants who successfully complete their mediation training with the ILSCA are invited to judge the competition, following which we also give Certificates of Appreciation that help them further in their growth.

ILSCA, from time to time, also conducts Mediation Camps where we have a combination of junior and senior mediators to mediate disputes pro bono. This helps participants in their growth as efficient mediators.

The ILSCA conducts a webinar series titled the 'ILSCA Webinar Series', in an attempt to bridge the gap between theory and practice of ADR. The series holds webinars on contemporary topics of ADR and helps with the aim of making expertise meet potential. All participants of ILSCA Mediation Training are given the details of the webinars and invited to attend them to keep up with the pace of development of the field.

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.

Attach complaints and appeals	See Annex Complaints and Appeals Policy
policy	

Conflicts of Interest

Please outline what steps you take to avoid any potential conflicts of interest between trainer/coaches/assessors and participants on your course. ILSCA endeavors to provide its participants with a neutral, unbiased learning process. To achieve this, ILSCA takes the following measures:

- a. Multiple trainers for the training program. b. Neutral assessors for practical assessments. The assessors are established mediators who were not associated in any way with the training of the participants.
- c. The theory assessments are assessed by neutral

Upload conflicts of interest policy	always done by a third neutral assessor, who has not been part of the training or the assessment. See Annex Conflict of Interest Policy
	training or the practical assessment. d. Where a student is unsuccessful either in the practical or the theory assessment, the review is
	faculty who have not been involved either in the

Trainers, Coaches, and Assessors

Anyone seeking to act as a TCA has successfully participated in a mediation training course which meets the requirements set out above.	Yes
Where mediator registration is required in a jurisdiction, trainers, coaches and assessors are registered as mediators.	Yes

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.	Yes
Trainers attend 'train the trainer' training of at least 18 hours, broadly covering topics set out in the IMI guidance notes	Yes
Coaches and assessors undertake a course broadly covering topics set out in the IMI guidance notes	Yes
Trainers deliver at least one basic mediator skills training course or refresher course every two years	Yes
Coaches and assessors coach and/or assess at least four role play sessions over the course of two years.	Yes
On-going feedback is sought from course participants, and given to those delivering the course.	Yes
Comments and/or explanations	The ILSCA has developed its 'train-the-trainers' programme very recently. Until now, the ILSCA invited established mediators who have been associated with the Institute to carry out the training

according to the training module. However, with the programme now in place, ILSCA shall make it mandatory for all trainers who deliver the Mediation Training Programme under ILSCA to undergo the train-the-trainers programme, post which the ILSCA will form a panel of Training Faculty.

ILSCA shall, as a matter of principle, ensure that all the mediators trained under ILSCA until now shall undergo the ILSCA's Train the Trainers' Programme as a prerequisite if they opt to be confirmed to be on the ILSCA Panel of Mediators.

It is mentioned in our training programme that the participants who undertake ILSCA mediation training programme will be on the entry-level and a step towards empanelment as ILSCA Mediator.

This condition will be applicable to the trainer mediators current as well as future trained under the ILSCA Mediation training programme.

At ILSCA we believe that quality education is of utmost importance to us as an institute and therefore, we will be committed to train the present as well as the future trainers

New TCAs are to be observed and given performance feedback by senior colleagues

At the ILSCA, we believe that though expertise comes with experience, potential can also go a long way in improving the quality of learning. With this in mind, the ILSCA seeks to encourage new trainers and/or assessors to join senior trainers/assessors in conducting training programmes. Once the 'train-the-trainer- programme is announced, it shall be mandatory for all new trainers/coaches/assessors to attend the training.

Upon completion of the training, although new

trainers/assessors will not given a training to handle by themselves, they will be encouraged to join established trainers/assessors in the conduct of the training. Their first performance will be reviewed by the senior trainer/assessor that they are paired with, as well as by two more neutral trainers from the panel (Training Faculty). Should the feedback be positive and satisfactory, such trainer will be encouraged to conduct more and more trainings. Explain your peer review system for As for the peer review system, the ILSCA has laid trainers, coaches and assessors down the criteria that upon the induction of the Train-the-Trainers programme, all trainers who shall deliver mediation training programmes at the ILSCA will have to undergo the Train-the-Trainers Programme as a prerequisite. After this, the ILSCA shall form its Training Faculty. The Training Faculty shall then be required to submit an annual report of the training programmes conducted by them; such reports shall be reviewed by the other members of the Training Faculty from time to time, and feedback shall be given. Additionally, trainers working with each other in a programme will also be encouraged to give feedback to each other at the end of the training, in order to help improve their skills. **Attach Train-the-Trainer Program** See Annex Train the Trainer Attach template feedback form See Annex Mediation Training Feedback Form