

## ACB | Toolkit Company 3-step Qualified Assessment Program

**ACB Foundation and TC offer a three-step system to assess performance and knowledge and monitor actual mediation experience for mediators who would like to become IMI certified and/or accredited by ADR-register**

### Step 1: Post Training Performance Based Assessment

Performance Based Assessment to become 'ACB accredited Legal Mediator', 'ACB accredited Mediator' or 'Toolkit accredited Mediator'

A 45-minute video or life action assessment by one or two (for Legal Mediators) trained assessor(s), based on a role-play; as well as a 15-20 minute interview with the assessor(s). Candidates need to prepare and hand to the assessor(s) beforehand a strength-weakness analysis of themselves as mediator, as well as a paper describing their mediation style. This forms part of the assessment and will be used in the feedback and interview with the assessor(s) in this step as well as in step 3. Candidates will be assessed based on the Toolkit Company assessment tool (see annex A).

The Mediator skills that are tested during the performance based assessment as well as the interview fall into the following categories:

1. Professional attitude, self-reflection and professional development
2. Managing the process, including generating options, decision-making, closure, implementation and follow-up of mediations
3. Advanced mediation process management skills

**See annex A: Practice Assessment Criteria Tool | Step 1 Criteria**

The interview consists of a part dealing with theory and background knowledge to establish sufficient understanding of mediation-, conflict- and negotiation theory as well as a part where the assessor(s) will examine how the candidate applied these learning's in the actual mediation during the performance based assessment.

In order to be admitted to the performance based assessment in step 1 the applicant must have completed mediation-training(s) that meet the criteria for training programs in the country concerned.

*The costs for step 1 are € 850,- excluding vat/BTW (21%) where applicable.*

**In order to be admitted to steps 2 and 3 of the assessment** the candidate needs to successfully pass the performance based assessment as well as the interview with the assessor(s) in step 1.

Step 1 can be done following completion of a mediator training. In that case the mediator will first carry out step 2 before applying to finalize the assessment process through step 3.

If a mediator already has sufficient experience step 3 can immediately follow after step 1.

## Step 2: Monitoring actual cases, self-assessment and practical experience

Systematical self-assessment keeping track of actual cases and monitoring performance while gaining practical experience

In order to become IMI certified the candidate should have gained experience in at least 20 cases or 200 hours of mediation and have documented those. For each mediation a feedback form should be submitted to the parties and the mediator should keep track of a logbook of their mediations as well as update their self assessment/strengths-weaknesses analysis.

Before being admitted to step 3 of the assessment program the candidate needs to submit a logbook and a self-assessment prepared by them as well as the Feedback Digest and feedback forms submitted by the parties.

- The **logbook** must contain at least 20 mediations or 200 mediated hours carried out in the 3 years prior to step 3 of the assessment.
- The **Feedback Digest** should be based on feedback forms from those mediations and be prepared by an independent Reviewer according to the IMI guidelines. Candidates can choose their own Reviewer or apply for an ACB or Toolkit Company Reviewer (More information on Reviewers on IMI's website: [imimediation.org](http://imimediation.org) & [www.acbmediation.nl](http://www.acbmediation.nl)).
- The **feedback forms** on which the Feedback Digest is based should also be submitted.

In case step 3 will be carried out at a later date than step 1:

- The **self-assessment** and **description of the mediators style/approach** of the mediation process should be updated by the mediator and be based on those actual mediations. The self-assessment used in step 3 should be a summary of the experience and learning points of actual mediations that were carried out and described in the logbook, including an analysis of what went well, what the mediator could have done differently and why, and a list of the mediators strong skills and areas of development.

*There are no costs payable for step 2.*

## Step 3: Peer review, oral assessment and review of performance in practice

After gaining experience and monitoring those cases in a structured way including self-assessment, the mediator is being reviewed on their performance in practice by an external assessor before becoming an IMI Certified Mediator

In step 3 of the assessment procedure the assessor(s) will hold a 20-minute interview with the mediator to discuss their actual mediation cases and experiences and provide feedback on their performance. The candidate needs to successfully absolve the interview with the assessor(s) and establish that they have sufficient understanding of mediation-, conflict- and negotiation theory as well as being fully able to apply all learning's in practice and to carry out mediations in a professional manner. During step 3 of the assessment also the mediators proficiency in advanced mediation process management skills like dealing with attorneys, multi-party cases or where applicable cross border cases will be discussed.

The Mediator skills that are tested during the interview in step 3 fall into the following categories:

1. Professional attitude, self-reflection and professional development
2. Managing the process, including generating options, decision-making, closure, implementation and follow-up of mediations
3. Advanced mediation process management skills

**See annex B: Practice Assessment Criteria Tool | Step 3 criteria**

*The costs for step 3 are € 350,- excluding vat/BTW (21%) where applicable.*

## DIVERSITY policy

Comment to diversity: participation in the assessment process is accessible on an equal basis to experienced mediators regardless of their professional affiliations, gender, race, ethnicity, age, religion, sexual orientation, or other personal characteristic. Assessors and others taking part in the assessment process sign an integrity declaration to ascertain this.

## COMPLAINTS policy

### I. FORMAL rules

In art 11 of the Toolkit Company General Clauses is laid down that:

*Participants to TC assessments and accreditation or certification procedures accept the following rules by participating in any TC or ACB assessment procedure, certification or accreditation:*

*11.1: Participants accept the pass or fail decision of the TC assessor(s). The assessor(s) will to the best of his/her/their knowledge assess a Participant in line with their professional integrity, according to the applicable ACB and/or TC standards and requirements for professional assessments and on an equal base (independent of personal preferences, a specific training, negotiation or mediation style or approach, training, or training institutes, professional affiliation, region, gender, race, sexual orientation, religion, or other personal characterizations or affiliations). Assessor(s) also ascertain confidentiality of and privacy for the documents, information gathered as part of an assessment as well as video materials if applicable.*

*11.2: Participants who fail the assessment can redo the assessment at a later stage for a maximum of 3 (three) times within 2 (two) years following a training. TC will try to have the re-assessment done by (a) different assessor(s) than the earlier assessment(s), whether this is possible is at TC's sole discretion. The new assessor(s) will be paid for the extra work and TC will inform a participant in advance of the costs of a reassessment.*

*11.3: Participants who pass the assessment can only redo the assessment to improve their results if they accept that the result of the new assessment replaces the result of any earlier assessment(s), which means that if they would fail the new assessment their accreditation will be revoked.*

*11.4: Accreditations by TC can be revoked at the sole discretion of TC if the Participant is acting in a way that can be considered as harmful to the image of TC, or people employed or engaged by TC like the assessors or trainers; or if a Participant acts in a way that cannot be considered as consistent with the conduct of a professional and ethical trainer or mediator or negotiator.*

### II. INFORMAL Process

In addition to the above applicants who are dissatisfied with the quality of the assessment (complaint), the outcome of the assessment (appeal) or the conduct of an assessor, training actor or trainer (complaint), may submit their **written complaint or appeal** within 3 months of the date of the assessment or last day of the training to one of the Toolkit Company Directors: Manon Schonewille ([manon@toolkitcompany.com](mailto:manon@toolkitcompany.com)) or Huub Liefhebber ([huub@toolkitcompany.com](mailto:huub@toolkitcompany.com)).

The complaint or appeal for re-evaluation must include:

- the applicant's name, email address and phone number,
- the date of the assessment,
- the name of the assessor(s),
- the reasoned opinion describing the applicants dissatisfaction with the process or conduct or the outcome of the assessment.

Upon receipt of a valid and timely submitted complaint or appeal, one of the Directors will contact the applicant as well as the assessor(s), training actor(s) and/or trainer(s) to try to resolve the complaint informally.

If this informal process does not solve the case, the Director will investigate the case and can decide for assessments to:

- a) Uphold the result of the assessment.
- b) Offer a re-assessment opportunity to the participant with a different assessor.
- c) Over-rule the result of the assessment.

## Philosophy underpinning this assessment

- Self-evaluation, continuous professional development with peer feedback as well as a clear understanding of the mediator of their own style and approach are crucial. During the 3-step assessment process the feedback digest, user feedback, a logbook and self assessment of the mediator are taken into account. Besides this, the mediator receives individual feedback from the assessor(s) both on their performance during the performance-based assessment and while reviewing how the mediator dealt with mediations in practice.
- If the mediator has sufficient experience upon entering the assessment program steps 1 and 3 can be done on the same day and step 2 has been done prior to the assessment. In case the mediator does not have sufficient experience yet, step 1 can be done separately from step 3 and step 2 (gaining documented practice experience) needs to be completed after the performance-based assessment.
- The idea behind a 3-step assessment is to give young (meaning 'new to the field') mediators a chance to ascertain potential clients and mediation providers that they meet quality standards, which will help them to acquire cases (either on their own or as co-mediator) that are necessary to gain sufficient experience to become an IMI Certified Mediator.
- Additionally this can serve as a first step in an ongoing professional development system that will guide and monitor mediators when gaining experience while embarking on a Continuous Professional Development path including self reflection and peer intervention that should stimulate the mediator to continue the habit of self reflection and seeking peer reviews.

ACB Foundation, Stichting ADR Centrum voor  
het Bedrijfsleven  
Hofplein 20  
3032 AC Rotterdam  
Netherlands  
Phone: +31 6 54336192  
Email: [ACB@toolkitcompany.com](mailto:ACB@toolkitcompany.com)

Toolkit Company

Houtlaan 20D  
3016 DA Rotterdam  
Netherlands  
Phone: +31 6 54 336 192  
Email: [info@toolkitcompany.com](mailto:info@toolkitcompany.com)