

MEDIATOR REPORT

Name of Learner : _____ Date of Assessment : _____
Simulation : _____

NOTES

1. This report is made up of 4 sections.

SECTIONS

| | |
|------------------------------|---|
| I SPECIFIC SKILLS | – Skills unique to the associated stage |
| II GENERAL SKILLS | – Skills relevant to most or all stages |
| III RESULTS | – Record of scores and grade |
| IV EVIDENCE AND OBSERVATIONS | – Record of evidence and observations |

2. Learners will be assessed in 3 skills areas.

| SKILLS | PROCESS | PEOPLE | PROBLEM-SOLVING |
|-------------|---------|--------|-----------------|
| CODE PREFIX | A | B | C |

Section I and II

3. Each skills area consists of a few performance criteria. Learners will receive either Acceptable (**A**), Need Improvement (**NI**) or Not Observed (**NO**) for each performance criteria.
4. Please note that learners will only be given an Acceptable (A) for a performance criterion if learners performed the criterion well. Learners are also reminded that during assessment, learners are assessed by two independent assessors with an objective to assess learners' skills to be qualified as a professional. Learners to note that feedback during coaching may be less stringent as learners were still viewed as still learning.
5. Some performance criteria have special conditions. Those that are italic and bold mean that the learner who do not demonstrate the task and receive a **NO** will be given an immediate failure.

Section III

6. Learners will receive either a **Pass** or a **Fail** for each skills area during practice session.
7. To achieve an overall Pass, learners will need to achieve a **Pass** in all the 3 skills areas.

Section IV

8. This section is to highlight some of the learner's performance that are as follows:
- (i) outstanding; or
 - (ii) needs improvement.

Online Requirements

9. Learners are to ensure that:
- (i) they are in a private, well-lit and quiet area with no interference or assistance from any third party;
 - (ii) the video is turned on throughout the practice session;
 - (iii) they are front facing the video and their full face and upper body can be seen clearly;
 - (iv) the computer or laptop set up (including video, audio and internet connection or Wi-Fi) can support the online training; and
 - (v) they are familiar with the functions of the chosen training platform (Zoom – Screen share, whiteboard, annotation and other relevant functions).
10. During private sessions, the coaches will ask learners playing parties not selected for the first private session to turn off the video. Learners who turned off the video are expected to be on stand-by in the event that the mediator needs to conduct the second private session with them.
11. Learners taking the MSA using the online platform will be assessed based on their mediation skills *per se* instead of how they use the online medium for mediation.

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I SPECIFIC SKILLS

- For each performance criterion, learner will receive either one of the following:
A – Acceptable NI – Need Improvement NO – Not Observed
- For performance criteria in ***bold and italics***, if learner does not perform the criteria well and receives a zero (NO), coach to give an immediate failure.

THE MEDIATOR'S OPENING STATEMENT

| CODE | PERFORMANCE CRITERIA | A | NI | NO |
|------|--|---|----|----|
| B1 | Welcome parties to mediation | | | |
| B2 | Introduce self and get the names of parties | | | |
| A1 | Explain role of mediator (i) not an adjudicator (ii) process manager / facilitator of negotiations (iii) is neutral and impartial | | | |
| A2 | Explain objectives of mediation | | | |
| A3 | Explain role of parties | | | |
| A4 | Explain stages of mediation | | | |
| A5 | Explain voluntariness to mediate | | | |
| A6 | Explain voluntariness to enter settlement agreement | | | |
| A7 | Check for authority to settle | | | |
| A8 | Explain that process is without prejudice in a language that is simple and without legal jargon | | | |
| A9 | Explain confidentiality | | | |
| A10 | Share ground rules | | | |
| A11 | Overall delivery and fluency | | | |

PARTY A'S OPENING STATEMENTS

| CODE | PERFORMANCE CRITERIA | A | NI | NO |
|------|---|---|----|----|
| A12 | Appropriate notetaking and listening to party's Opening Statement | | | |
| A13 | Check with party for any additional information before summary | | | |
| A14 | Summarise salient points of party's Opening Statement adequately and appropriately | | | |
| A15 | Reframe appropriately (<i>E.g. Remove toxic language, paraphrase inappropriate language</i>) | | | |
| A16 | Check if summary is accurate and check if anything is missed out | | | |
| B3 | Demonstrate understanding of the party's situation during summary through tone and body language | | | |

PARTY B'S OPENING STATEMENTS

| CODE | PERFORMANCE CRITERIA | A | NI | NO |
|------|---|---|----|----|
| A17 | Appropriate notetaking and listening to party's Opening Statement | | | |
| A18 | Check with party for any additional information before summary | | | |
| A19 | Summarise salient points of party's Opening Statement adequately and appropriately | | | |
| A20 | Reframe appropriately (<i>E.g. Remove toxic language, paraphrase inappropriate language</i>) | | | |
| A21 | Check if summary is accurate and check if anything is missed out | | | |
| B4 | Demonstrate understanding of the party's situation during summary through tone and body language | | | |

AGENDA SETTING

| CODE | PERFORMANCE CRITERIA | A | NI | NO |
|------|--|---|----|----|
| A22 | Elicit issues from parties | | | |
| A23 | Elicit issues from parties alternately (<i>I.e. one issue from Party A and then one from Party B and so on</i>) | | | |
| A24 | Use neutral word(s) for issues | | | |
| A25 | Use a mutual list of issues (<i>I.e. only one list of issues</i>) | | | |
| A26 | Use bullet points instead of numbering and ranking issues | | | |
| A27 | Check with parties if there are any other issues | | | |

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| EXPLORATION OF ISSUES | | | | |
|------------------------------|---|----------|-----------|-----------|
| CODE | PERFORMANCE CRITERIA | A | NI | NO |
| A28 | Facilitate discussion of all the agenda items before private session | | | |
| A29 | Give 'homework' to party who is waiting for his/her private session <i>(E.g. To consider creative options/ reflect on what has been discussed)</i> | | | |
| B5 | Encourage/facilitate direct communication between the parties | | | |
| C1 | Facilitate sufficient exploration (ventilation) of the agenda items. | | | |
| C2 | Demonstrate attempt to assist parties to generate/explore options <i>(Note: with exception of items that are sensitive in nature)</i> | | | |

| PRIVATE SESSION 1 | | | | |
|--------------------------|--|----------|-----------|-----------|
| CODE | PERFORMANCE CRITERIA | A | NI | NO |
| A30a | Stress confidentiality at beginning | | | |
| A31a | Assist parties to prepare for subsequent session <i>(E.g. To consider creative options/ reflect on what has been discussed/ prepare to negotiate directly with the other party)</i> | | | |
| A32a | Devote appropriate time to this session | | | |
| A33a | Check for authority to disclose at the end of the session | | | |
| C3a | Facilitate sufficient exploration (ventilation) of the agenda items. | | | |
| C4a | Explore options and use objective criteria to help parties ascertain fairness of option generated where appropriate | | | |
| C5a | Facilitate realistic consideration (reality testing) of options: (i) Reasonableness of proposals (ii) Feasibility of solutions (create doubts) | | | |
| C6a | Check parties' alternatives | | | |

| PRIVATE SESSION 2 | | | | |
|--------------------------|--|----------|-----------|-----------|
| CODE | PERFORMANCE CRITERIA | A | NI | NO |
| A30b | Stress confidentiality at beginning | | | |
| A31b | Assist parties to prepare for subsequent session <i>(E.g. To consider creative options/ reflect on what has been discussed/ prepare to negotiate directly with the other party)</i> | | | |
| A32b | Devote appropriate time to this session | | | |
| A33b | Check for authority to disclose at the end of the session | | | |
| C3b | Facilitate sufficient exploration (ventilation) of the agenda items. | | | |
| C4b | Explore options and use objective criteria to help parties ascertain fairness of option generated where appropriate | | | |
| C5b | Facilitate realistic consideration (reality testing) of options: (i) Reasonableness of proposals (ii) Feasibility of solutions (create doubts) | | | |
| C6b | Check parties' alternatives | | | |

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Please take note that the code numbers for SUBSEQUENT JOINT SESSION follow the sequence after Section II General Skills.

| SUBSEQUENT JOINT SESSION - NEGOTIATION | | | | |
|---|---|----------|-----------|-----------|
| CODE | PERFORMANCE CRITERIA | A | NI | NO |
| A38 | List the options (i) Use a mutual list to list options (ii) Ensure options are specific, measurable, attainable, realistic and trackable (time) | | | |
| C18 | Further explore options | | | |
| C19 | Facilitate realistic consideration (reality testing) of options: (i) Use objective criteria to help parties ascertain fairness of option generated (ii) Reasonableness of proposals (iii) Feasibility of solutions (create doubts) | | | |

| SUBSEQUENT JOINT SESSION - CLOSURE | | | | |
|---|--|----------|-----------|-----------|
| CODE | PERFORMANCE CRITERIA | A | NI | NO |
| A39 | Summarise points progressively where parties have reached or are close to reaching points of agreement to ensure the following: (i) parties are clear of the points (ii) parties agree to the points | | | |
| A40 | Settlement Agreement (i) Summarise Heads of Agreement before parties/lawyers proceed to draft the settlement agreement (ii) Summarise final settlement agreement drafted | | | |

II GENERAL SKILLS

- For each performance criterion, learner will receive either one of the following:
A – Acceptable
NI – Need Improvement
NO – Not Observed
- For performance criteria in ***bold and italics***, if learner does not perform the criteria well and receives a zero (NO), coach to give an immediate failure.

| GENERAL SKILLS | | | | |
|-----------------------|---|---|----|----|
| CODE | PERFORMANCE CRITERIA | A | NI | NO |
| A34 | Perform all stages up to end of 1 st private session | | | |
| A35 | Perform stages in accordance with SMC Mediation model | | | |
| A36 | <i>Safeguard the parties' confidentiality</i> <i>(I.e. Did not breach confidentiality)</i> | | | |
| B6 | Acknowledge parties' concerns | | | |
| B7 | Appropriate amount of talking | | | |
| B8 | Give appropriate and equal attention to both parties <i>(E.g. For in-person MSA - Make appropriate eye contact with non-speaking party For Online MSA - Make appropriate inclusion of the non-speaking party in the conversation, looking at camera)</i> | | | |
| B9 | Conduct self in a neutral manner <i>(I.e. Refrain from exerting influence on the parties in accordance with the mediator's own views/values)</i> | | | |
| B10 | <i>Behave in an impartial manner</i> <i>(I.e. Treat parties fairly)</i> | | | |
| B11 | Use appropriate body language <i>(E.g. For in-person MSA - open and welcoming body language with parties reciprocate For online MSA – being attentive, show concern)</i> | | | |
| B12 | Demonstrate effort to develop rapport <i>(I.e. Being friendly/ Put parties at ease/ Warm personality)</i> | | | |
| B13 | Maintain control of interaction at each stage <i>(E.g. Stop arguments, allow parties to interact)</i> | | | |
| B14 | Appear confident | | | |
| B15 | Show empathy and parties are drawn to share more information | | | |
| B16 | Tactful and able to avoid issues / situations that might derail the mediation process <i>(E.g. listing options on the board/ anywhere visible that might cause parties to react negatively, asking questions that incite argument, etc)</i> | | | |
| B17 | Professionalism <i>(E.g. Appearance, reliable, appropriate behaviour, ethical practices, organised, accountable, well-prepared etc)</i> | | | |
| C7 | Consider needs of all parties | | | |
| C8 | Identify the underlying interests of parties | | | |
| C9 | Ask clarifying open-ended questions to: (i) elicit / clarify information (ii) shift parties' perspectives (iii) facilitate self-reflection | | | |
| C10 | Demonstrate active listening skills through words, tone and body language | | | |
| C11 | Refrain from asking excessive fact-finding/interrogative questions | | | |
| C12 | <i>Refrain from giving legal or non-legal advice/ solutions</i> | | | |
| C13 | Refrain from arm-twisting/ forcing parties to settle by accepting the options <i>(E.g. repeatedly pushing the options to parties even though party(s) rejects)</i> | | | |

MEDIATOR REPORT

III RESULTS

| Description | Process Skills | People Skills | Problem-Solving Skills |
|---------------------------------------|------------------------------|------------------------------|------------------------------|
| Immediate Failure Tick CODE | A36 <input type="checkbox"/> | B10 <input type="checkbox"/> | C12 <input type="checkbox"/> |
| Grade (Pass/Fail) | | | |

MEDIATOR REPORT



A series of horizontal lines providing a template for writing the mediator report.