

ADVANCED LEVEL COMPETENCY ASSESSMENT GUIDELINES

The Mediation Act 2017 defines mediation: “...a confidential, facilitative and voluntary process in which parties to a dispute, with the assistance of a Mediator, attempt to reach a mutually acceptable agreement to resolve the dispute”

According to the Mediators' Institute of Ireland (MII) Code of Ethics and Practice, mediation is defined as: “A process in which an impartial and independent third party facilitates communication and negotiation and promotes voluntary decision-making by the parties to a dispute to assist them to reach a mutually acceptable solution”

The MII sees the role of Advanced Member within the Institute as being vital to the development of the profession. Advanced Members are those mediators who have demonstrated their mediation experience to a panel of their peers. Beyond the practice importance of this experience, Advanced Members are role models to newer mediators, or those members interested in extending their breadth of practice. Advanced Members may go on to be trainers and assessors, as well as mentors and supervisors/case consultants. Advanced Members are pivotal to the development of the mediation profession and the continuing development of excellence in professional standards of mediation practice.

Advanced Mediator Competencies

Competency comprises the specification of the knowledge and skill, and the application of that knowledge and skill to the standard of performance required. The concept of competency includes all aspects of performance. It requires competent mediators to demonstrate an agreed standard in:

- Performance at an acceptable level of skill
- Organising tasks
- Responding and reacting appropriately when things go wrong
- Fulfilling a role
- Transfer of skills and knowledge to new situations.

The MII has defined and outlined a core set of Advanced Competencies required of mediators in a wide range of settings and contexts. While mediators may work in many different sectors, the requirements to be recognised as an MII Advanced Mediator are equivalent across the different areas of mediation practice. It is accepted that mediators will have experience in different areas of practice.

To qualify as an Advanced Member, it is necessary for you to demonstrate advanced practice skills in whatever area you work in. It is recognised that some applicants will have had a specialist practice whereas others will have a more general practice. Some mediators may only have practiced in one area, some in a number of areas and others in areas that do not fit within the current MII sector model. MII accredited mediators are required by the Institute's Code of Ethics to only work within their competence.

The MII is looking for each of its Advanced Members to have core advanced competencies and where appropriate, to have specialist competencies for particular sectors. As different specialities may use different models of mediation you should inform the assessors which sector model you would like to be assessed by.

The assessment relates to the actual conduct of mediation cases. This may include pre-mediation intake functions such as initial contact with the parties and scheduling of sessions, or to post-mediation follow-up to put the mediation into context, provided that the skills or issues raised are of an advanced nature and were conducted by the mediator. It is recognised that in some agencies such functions may be carried out by other specially trained personnel, rather than being the role of the mediator.

The assessment for Advanced Member status is an assessment of advanced skills as evidenced by the applicant within the write-up of an agreed number of cases and discussion of those cases at interview.

All MII Advanced Members are equal no matter by which route a mediator achieves that qualification. It is recognised that some mediation agencies may require a mediator to qualify by a particular route before employing them – that is a private matter for the agency. The MII is happy to supply a letter confirming the sectoral route you used to achieve Advanced Member status.

Advanced Mediator Competency Assessment

There are specific competencies required of people starting their mediation practice at the Certified level. The purpose of the Advanced Mediator Competency Assessment is to assess whether or not the mediator has developed the requisite mastery of mediation through practice and experience. The Advanced assessment is a structured and formal process which focuses on advanced level competencies.

Competency comprises the specification of the knowledge and skill, and the application of that knowledge and skill to the standard of performance required. The concept of competency includes all aspects of performance. It requires mediators to demonstrate an agreed advanced standard in the following **LADDER** of advanced competencies:

Leadership – demonstration of how the mediator is taking a personal leadership role in their own Continuous Professional Development, as well as a leadership role in relation to the profession of mediation.

Analysis – demonstration of how the mediator analyses conflict which they mediate, with specific reference to theoretical frameworks or models.

Design – demonstration of design principles the mediator follows in relation to their practice.

Doing – demonstration of mediation experience and practice.

Ethics – demonstration of how the mediator engages with ethical dilemmas.

Reflection – demonstration of how the mediator reflects in practice and on practice.

APPLICATION FOR ADVANCED MEDIATOR ASSESSMENT

The application documents and guidelines for completing an application for Advanced Mediator Assessment are available at ([hyperlink](#)).

THE ADVANCED MEDIATOR COMPETENCY ASSESSMENT

The Advanced Mediator Competency Assessment comprises an assessment of application documents, a discussion of the cases submitted and the Mediator's wider practice.

1. Application for Advanced Mediator Assessment

Using the Application Guidelines ([insert hyperlink](#)), the applicant should prepare a short Personal Statement to give a brief overview of their practice and experience, and to put the cases they submit into context. They should also write a couple of paragraphs relating to their Reflective Practice.

Although the cases can be read as discrete documents, applicants are also encouraged to refer to skills they have acquired through other mediations they have conducted. Applicants are encouraged to select their cases and highlight those situations which enable them to showcase a number of diverse skills – not all skills will be used in every case. The assessment interview will focus on the skills demonstrated in the cases submitted.

Through your choice of cases, you should be able to demonstrate that:

- the required level of Advanced Competence is demonstrated and evidenced in the cases to be assessed
- mediation is congruent with agreed definitions of mediation
- you used appropriate professional judgement to apply the process in a flexible manner that maintains the integrity and transparency of the process
- full consultation with any co-mediator is used at all times throughout the mediation
- you have underpinning knowledge of:

☐ Ethical guidelines

☐ Cultural factors relevant to the Mediator's area of responsibility

☐ Sectoral factors relevant to the Mediator's reporting responsibilities (i.e court referred RJ – I'm thinking judges reports and neutrality being different in RJ (from Niamh)

The mediator's portfolio of case summaries/case developments and agreements are an opportunity for each applicant to show that he/she has integrated mediation theories, concepts, principles and skills to a high enough standard to be considered an Advanced Mediator.

They will be expected to demonstrate reflection on practice and the theoretical framework for that practice. This initial step requires Mediators applying for Advanced Member Assessment to move beyond the more activist pragmatist learning style that is the day-to-day learning through practice.

Demonstrating a basic understanding of the process, principles and general mediation strategies, such as naming skills like reflective listening or option development without demonstrating why that strategy was chosen in the particular context and for what specific purpose is not sufficient.

At Advanced level the mediator will be expected to demonstrate through their interventions in mediation, through their agreements, or critical reflection, a good working knowledge of many of the areas outlined below.

The application procedure for Advanced Member assessment includes:

- Completion of the Advanced Member Assessment Application
- Submission of a Personal Statement
- Submission of a Reflective Practice statement
- Submission of three cases in the areas of practice, to include the relevant Agreements to Mediate and Mediation Settlements/Agreements.
- A completed Mediation Log which shows at least 100 hours + of mediation practice.
- The record of mediation hours and supervision/case consultation hours must be signed off by a Supervisor.
- A letter of confirmation re membership of Sharing and Learning Groups (including formal case presentation to peers and attendance at three meetings).
- Attendance at MII Code of Ethics and Practice training in last three years.
- A Log of CPD for the last 12 months.

Following receipt of applications, the MII will provide a checklist of the assessment documentation received from each candidate to the Assessment panel members. Candidates must satisfy all of the criteria above before they can proceed to the assessment interview. In circumstances where applicants do not provide sufficient evidence of satisfying these criteria, they will be asked to re-submit for a later round of interviews.

2. Advanced Level Assessment Interview Procedure

An Advanced Level Assessment Interview will be conducted by a panel of MII trained Advanced Members and will focus on enabling the practicing mediator to fully demonstrate their advanced competence. The Assessment Panel will consist of three MII trained Advanced Mediators. One of the three panel members will be appointed as Chair.

It is recognised that more and more frequently, mediators practice across areas and will use this diversity of practice to demonstrate their advanced range of skills. As mediation is skills-based and as mediators often practice in a number of different areas of mediation, all of the assessors may not be familiar with the substantive issues of all the mediation cases submitted.

In advance of the interview the mediator should make the MII aware of any reasonable accommodation requirements they have, and these will be facilitated as far as is reasonably possible.

The assessment interview will be recorded. The recording will be available in the event of an appeal in relation to the decision of the assessors. Mediators will also be invited (optional) to sign a consent that their recording may be used in the training of assessors into the future.

The interview will last for approximately one-and-a-half hours.

The Chairperson will greet the candidate and introduce them to the other members of the Panel. S/he will outline the process to the mediator. The mediator will be asked initial questions designed to put them at ease, such as:

- I. When did you qualify as an MII approved mediator?
- II. What mediation training programme did you attend?
- III. Have you attended a mandatory MII Code of Ethics Training?
- IV. What do you do for reflective practice?
- V. What Sharing and Learning group are you in?
- VI. What mediation CPD have you done in the last 12 months?

Each of the other Panel members will then ask questions in turn. These questions will include two or more ethical questions specific to the mediator's area of practice.

Before the end of the interview, the Chairperson will explain the next steps following the interview.

The panel will assess the application documents and the assessment interview of the Mediator.

Mediators will be assessed as per the agreed Mediators' Institute of Ireland core areas for Advanced Level assessment which are based on the **LADDER** of Advanced Competencies set out at the beginning of this document.



Candidates must demonstrate a Competent (3) rating in each of the 5 Assessment Competency areas to pass (see below 'Scale to Measure Competencies, Skills and Knowledge). Where a Candidate has not achieved a '3 – Competent' or higher in each of the 5 Competency areas he/she should follow the MII Advanced Level Assessment Outcome Re-sit/Appeals Process.

Scale to Measure Competencies, Skills and Knowledge

The following rating scales should be used to determine an overall rating under each area. Below each of the area headings are listed several factors to consider in making a rating. Assessors are asked to measure each area by circling the observed competencies on a scale of 1 through to 5 as follows:

5 Exceptional: The mediator has fully displayed the critical thinking and reflection to demonstrate their mediation experience.

4 – Very Good: The mediator has clearly displayed the critical thinking and reflection to demonstrate their mediation experience.

3 – Competent: The mediator has displayed sufficient level of critical thinking and reflection to demonstrate their mediation experience.

2 – Working Towards: The mediator has not displayed sufficient critical thinking and reflection which demonstrates a full understanding of why they used particular interventions.

1 – Unsatisfactory: The mediator has failed to display most or all of the advanced skills and knowledge which indicate they have the required experience. The candidate has demonstrated limited critical thinking and reflection on their mediation practice in relation to mediation theory.

5 CORE AREAS FOR ADVANCED LEVEL ASSESSMENT

1. Managing the Process of Mediation
2. Managing Relationships in the Mediation process
3. Managing Content of Mediations
4. Managing Mediation Settlements
5. Reflective Practice and Continuous Professional Development (CPD)

Required	Competencies to be assessed
<p>Mediation practice is congruent with agreed definitions of mediation.</p>	<ul style="list-style-type: none"> ▪ Demonstrates knowledge and application of the MII Code of Ethics and Practice, Mediation Act, 2017 and other relevant legislation in mediation practice. ▪ Demonstrates that s/he consistently upholds and applies the Principles of Mediation in practice. ▪ Applies legislation, regulations, and Codes of Ethics and Practice relevant to mediation speciality / specialities and demonstrates ability to address ethical issues as they arise. ▪ Demonstrates an understanding of different processes that could be applied in given situations and recognition of own preferred mediation style.
<p>Demonstrates a good understanding of design principles and applies them to practice.</p>	<ul style="list-style-type: none"> ▪ Designs the dispute resolution process to meet the dispute context and complexity and the needs of stakeholders. ▪ Develops rationale for conducting mediation in-person and/or online. ▪ Develops clear protocols for the process, including the Role of Mediator(s), terms of engagement, Agreement to Mediate, etc. ▪ Appropriately manages the relationship with stakeholders, e.g. client organisation (if relevant), participants, support people, and professionals including lawyers, etc. ▪ Utilises a suitable venue that will accommodate the client needs and process needs.
<p>Uses appropriate professional judgement to apply the process in a flexible manner that maintains the integrity and transparency of the process.</p>	<ul style="list-style-type: none"> ▪ Responds and reacts appropriately to challenges and dilemmas that arise. ▪ Reflects in their practice and on their practice and adapts methods and process to meet the needs of participants and the process. ▪ Shows flexibility and sound judgement in his/her thinking when new information or new realities present, e.g. changing hypotheses.
<p>Shows a good understanding of ethical dilemmas and applies best practice in ethical decision-making.</p>	<ul style="list-style-type: none"> ▪ Identifies at least 3 ethical dilemmas and/or practice challenges they have encountered and describes how the Code of Ethics was applied to the ethical dilemmas, the process followed to manage those ethical dilemmas/challenges and the outcomes in terms of the mediation and self-reflection.
<p>Demonstrates good application of process skills.</p>	<ul style="list-style-type: none"> ▪ Shows skill and confidence in managing the process throughout. ▪ Uses methods such as shuttle and/or caucus sessions with clear purpose, appropriately and to good effect.

	<ul style="list-style-type: none"> ▪ Accurately frames issues raised by the participants and keeps track of the process using conflict mapping, timelines, etc. ▪ Shows understanding of conflict theory and demonstrates clear analysis of the conflicts s/he mediates, with specific reference to theoretical frameworks or models. ▪ Manages conflict between the participants effectively, e.g., uses immediacy to attend to non-verbal cues, confronts discrepancies, reframes to diffuse conflict and move towards consensus, brings latent conflict issues to the surface and manages the conflict dynamic. ▪ Shows ability to deal with high conflict cases and situations and use techniques to intervene safely and effectively. ▪ Demonstrates understanding of issues and dynamics presented; formulates and tests hypotheses to decide on way forward in the process. ▪ Facilitates negotiation and demonstrates skills to resolve impasse. ▪ Attends to and explores participants' interests: <ul style="list-style-type: none"> □ Shows capacity to both differentiate and connect interests of participants. □ Works with participants to identify principles based on underlying interests and to guide their decision-making. □ Facilitates participants to select a wide range of options which best meet their mutual and individual interests and needs. □ Encourages participants to reality-test their decisions.
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Overall Rating (please circle one): 1 2 3 4 5

2. MANAGING RELATIONSHIPS IN THE MEDIATION PROCESS	
Required	Competencies to be assessed
Establishes and maintains a respectful and trusting relationship with participants and any other attendees.	<ul style="list-style-type: none"> ▪ Establishes a professional relationship with the parties and any other attendees from the outset and maintains it throughout – telephone and online contact, correspondence, appropriate documentation, Settlement agreements, etc. ▪ Creates trust so that participants can allow emotions to surface and so real issues can be surfaced and addressed.

	<ul style="list-style-type: none"> ▪ Demonstrates an understanding of conscious and unconscious bias and guards against it impacting on his/her practice. ▪ Participants show willingness to work with risks because of the quality of trust in the Mediator and in the process. ▪ Shows the ability to manage emotions and (reactive) behaviours of participants. ▪ Appropriately ends a mediation where it is not in the interests of participants to engage further.
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Establishes a collaborative relationship with and between participants	<ul style="list-style-type: none"> ▪ Works with the participant(s) to promote mutual understanding, insight, and empathy for the other(s). ▪ Explores participants' commitment to their new collaborative working relationship. ▪ Builds a relationship with the participants so that it is possible to safely challenge their behaviours within the mediation.
Protects and affirms each individual's right to self-determination.	<ul style="list-style-type: none"> ▪ Ensures a mediation environment, process and practice which protects the right to self-determination. ▪ Directs the parties to relevant experts/organisations as necessary/appropriate to seek advice appropriate to the case.
Demonstrates effective management of power imbalance.	<ul style="list-style-type: none"> ▪ Can identify (potential) power imbalance and demonstrates skills in creating an environment and process to maximise the potential for settlement and ensure equality for all. ▪ Ensures the parties have access to the same level of advice and information to enable them to make informed decisions for the future, e.g. by agreeing in advance the key questions to ask.

Overall Rating (please circle one): 1 2 3 4 5

3. MANAGING THE CONTENT OF MEDIATIONS	
Required	Competencies to be assessed

<p>Manages the identification and organisation of relevant information.</p>	<ul style="list-style-type: none"> ▪ Demonstrates understanding of the impact of GDPR, other legislation and the Code of Ethics on the gathering, processing, storing and destruction of data relating to the mediation. ▪ Draws out the background and context of the situation and identifies the participants' agenda. ▪ Explores beyond surface issues to identify needs, underlying interests, and enables the participants develop clarity about their respective concerns. ▪ Ensures participants have or can access relevant information to facilitate self-determination, e.g. legal, financial, etc. ▪ Manages information exchange tactically to good effect. ▪ Supports participants ability to assimilate new information. ▪ Uses skills and interventions in option development. ▪ Assists the participants to apply interest-based/needs-based criteria in option development, reality testing and decision-making.
<p>Demonstrates how relevant content is gathered, analysed and utilised appropriately during mediation.</p>	<ul style="list-style-type: none"> ▪ Develops a suitable framework for gathering and tracking the information needed, including instances where s/he has encouraged participants to do so. ▪ Ensures all issues have been fully explored and that information is accurately captured and integrated throughout the process. ▪ Presents data in a coherent structure and format which participants can follow and utilise.

Overall Rating (please circle one): 1 2 3 4 5

<p>4. MANAGING MEDIATION SETTLEMENTS</p>	
<p>Required</p>	<p>Competencies to be assessed</p>
<p>Building towards a Settlement/Memorandum of Understanding</p>	<ul style="list-style-type: none"> ▪ Identifies consensus regularly and appropriately, e.g. at the beginning and end of sessions, to enable participants see progress to motivate them and encourage them to move forward. ▪ Frames areas of agreement onto flipchart/ in correspondence (as appropriate) to ensure it reflects intentions of the participants and keeps the process on track.

<p>Demonstrates competency in constructing Settlements which satisfy legal and ethical requirements.</p>	<ul style="list-style-type: none"> ▪ Draft the Settlement or, if the case is complex, consider utilising experts involved in the case to draft the Settlement collaboratively. ▪ Demonstrates knowledge and understanding of the relevant legislation governing the Settlements of specialty and the Mediation Act 2017 itself. ▪ Ensures the inclusion of relevant and required clauses in Mediation Settlement, Memorandum of Understanding or equivalent. ▪ Is clear about the function of the Settlement/Memorandum of Understanding. ▪ Ensures the participants have obtained appropriate legal, financial and other expert advice before committing/agreeing to Settlement. ▪ Ensures reference to “non-binding” where relevant and in accordance with S.11 of the Mediation Act, 2017. ▪ Ensures that the Settlement/Memorandum of Understanding fulfils all Mediation Act 2017 obligations. ▪ Ensures that financial statements and other documentation are presented and referenced accurately. ▪ Brings the process and Settlement to completion with participants signing the Settlement/Memorandum of Understanding. ▪ Frames the Settlement document to reflect the language and needs of the participants. ▪ Writes a neutral settlement that takes account of the role of all parties in achieving a sustainable outcome. ▪ Writes in a clear and concise manner reflecting the parties’ decisions and using the language of the parties.
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Overall Rating (please circle one): 1 2 3 4 5

<p>5. REFLECTIVE PRACTICE AND CONTINUOUS PROFESSIONAL DEVELOPMENT (CPD)</p>	
<p>Required/Desirable</p>	<p>Competencies to be assessed</p>

<p>Demonstrates how self-reflection in and on practice has developed their mediation practice.</p>	<ul style="list-style-type: none"> ▪ Gives examples of reflective practice theories, methods and tools used and how they have informed and developed their own mediation practice, e.g. supervision, peer group. ▪ Can speak openly about his/her emotional experiences in practice and how this has impacted and informed future practice. ▪ Tunes into inner signals in practice, relates to theory and can explain how these inform performance in practice.
<p>Demonstrates a personal leadership role in their own Continuous Professional Development.</p>	<ul style="list-style-type: none"> ▪ Sets out clear goals for professional CPD in mediation or related to mediation; can identify specific areas for further development/training. ▪ Outlines the rationale for recent CPD and describes how it has helped to develop his/her practice. ▪ Gives examples of how supervision has helped develop mastery. ▪ Active participation in S&L group including presentation of cases; possibly chairing such a group. Discusses how S&L and peer consultation has helped to develop his/her practice.
<p>Demonstrates best practice within the parameters of the Mediation Legislation and the MII Code of Ethics & Practice.</p>	<ul style="list-style-type: none"> ▪ Participates in regular (3 yearly) Code of Ethics training in accordance with MII requirements. ▪ Demonstrates that s/he upholds the Code of Ethics & Practice and relevant legislation in mediation practice. ▪ Continually seeks to develop knowledge and skills to ensure best practice application. ▪ Shows ability to deal effectively and safely with ethical dilemmas that arise during mediation, e.g. dilemmas that might necessitate a breach of confidentiality or challenge another key principle of the process.
<p>Demonstrates self-awareness and resilience to ensure the needs of the parties can be facilitated.</p>	<ul style="list-style-type: none"> ▪ Shows awareness of own limits and understands the requirement to refer cases outside of his/her level or area of expertise. ▪ Shows accurate self-reflection in practice. ▪ Shows ability to self-manage within the process. ▪ Demonstrates experience of holding all sides of a conflict in all its complexity. ▪ Demonstrates consciousness of own strengths and weaknesses and efforts made to upskill. ▪ Demonstrates good use of network of peers to advance knowledge and practice.

	<ul style="list-style-type: none">▪ Can describe his/her guiding values and how these have helped to decide on the best course of action.▪ Develops self-care strategies to support energy levels and resilience.
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Overall Rating (please circle one): 1 2 3 4 5