



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

www.IMImediation.org

MTI East Africa

IMI Certified Mediator Training Program

The Organisation

Legal name	Mediation training institute international East Africa East Africa
Contact details	Agip house 4th floor suite 417 , p.o box 42199-00100 Nairobi , info@mtieastafrica.org, www.mtieastafrica.org, phone number +254707124831
Person completing application	James Mang'erere - President MTI East Africa +254707124831
Locations and Languages	In English in Kenya, Tanzania, Uganda (see annex).
Delivery method	The program and its assessment may be delivered in person or via hybrid (partially online) delivery.

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	2010 the laws of the Republic of Kenya
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Training course registered in accordance with jurisdiction requirements	Yes
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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 attachment.
Mediation principles - neutrality, voluntary nature, confidentiality, party self-determination, process	They are all covered under the mediation process in Day 3 of the training. Mediation principles is the last topic in Day 3.
The roles of legal counsel and representatives	This is in Day 2 Role of a lawyer in the mediation process.
Overview of negotiation and conflict resolution theory	<p>These topics are covered in Day 1 and 2 under these themes:</p> <p>NEGOTIATION</p> <ul style="list-style-type: none"> <input type="checkbox"/> Meaning of Negotiation <input type="checkbox"/> Features of Negotiation <input type="checkbox"/> Outcomes of Negotiation <input type="checkbox"/> Elements of Negotiation

	<ul style="list-style-type: none"> ☐ Role of a mediator in Negotiation ☐ Types of Negotiation ☐ Negotiation Strategies ☐ Joint Problems Solving ☐ Negotiation Stages/steps ☐ Determining BATNA, WATNA and MLATINA ☐ Barriers to Negotiation ☐ Handling Barriers to Negotiation ☐ Managing impasse in Mediation <p>UNDERSTANDING A CONFLICT</p> <ul style="list-style-type: none"> ☐ Conflict Aspects ☐ Conflict Analysis ☐ Conflict Management Styles ☐ Defense Mechanisms to Conflict Management
Mediator ethics, including appropriate local ethical standards	We follow the international mediator ethical standards and we cover mediators ethics in Day 2 of our training through lecture and discussions.
Forms of listening skills and communication strategies	This is covered in Day 2 ("Effective Communication Skills") through lectures, group exercises and discussions.
Process management skills, including the use of joint and private meetings	This is covered in Day 3. We use lectures, illustrations and discussions. It is done within "The Mediation Process".
Negotiation strategies and skills to manage the content of the dispute	<p>This is covered in Day 2 under these themes:</p> <p>NEGOTIATION</p> <ul style="list-style-type: none"> • Meaning of Negotiation • Features of Negotiation • Outcomes of Negotiation • Elements of Negotiation

	<ul style="list-style-type: none"> • Role of a mediator in Negotiation • Types of Negotiation • Negotiation Strategies • Joint Problems Solving • Negotiation Stages/steps • Determining BATNA, WATNA and MLATINA • Barriers to Negotiation • Handling Barriers to Negotiation • Managing impasse in Mediation
Ways of responding to the diverse behaviours of the parties	<p>This is covered by the following themes in the course outline:</p> <ul style="list-style-type: none"> • The art of Reframing • The art of Uncovering self-interests and common interests • Identifying BATNA WATNA & MLATNA • Informing and reminding • Preventing bullying • The art of power balancing • Managing emotions: Anger, fear, despair • Techniques for managing impasse

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 these guidelines.

Attach competency framework	See attachment (Accreditation system)
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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	A total of 57.5 hours including tea and lunch breaks (48.5 hours without tea and lunch breaks).
Asynchronous learning	We have face to face training and online training. Our online course is delivered entirely via Zoom for a period of over five weeks, Monday, Wednesday and Friday from 4.pm to 7 pm. After the five weeks, we have a one day face to face follow up session. The contents of both courses are similar and meet the IMI requirements.

Group Size

It is recommended that courses have a maximum class size of 30 students, with the trainer-student ratio ranging between an ideal of 1 trainer to every 6 participants; to a maximum of 1 trainer to every 10 participants.

Maximum class size	30
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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%

Lecturing, knowledge input, presentation	20%, we have a number of power point presentations and handout given our which include note for further reading and case studies
Exercises and discussion	40%, most of the time is spent in group discussions and plenary sessions , including group exercises.
Role-playing, coaching, and feedback	40%, we use different forms for assessing role plays, coaching and feedback, some of which are mentioned here. -checklists for mediation role-plays, mediator evaluation forms, mediator skills assessment forms among others. Our courses always include an in-person practice component. Please note that for now the way our program is structured, we have made it 20% 40% 40%, but we will keep improving as time goes by.

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?	They receive material in soft copy through email, three weeks prior to the date of the workshop. We will call them to confirm receipt and sometimes we communicate through email. We also issues text books, workbooks, manuals, and CDs during the training.
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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.	Yes
Mediation time slots within role plays are a minimum of 45 minutes	Yes
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	Yes
Where role plays are used as assessments, they are supervised by the assessor 100% of the role play time	Yes
Coaches are rotated among groups and participants	Yes
Coaches and trainers who coach a participant are not involved in subsequent assessment of that participants	No

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	<p>We now contact outside assessors who are qualified to assess our trainees.</p> <p>Coaches are rotated among groups and participants METHOD - If the class has four groups role playing different cases, one coach will assess the introductory phase of mediation in group 1, then he will move to group 2 and assess the first joint session, then move to group 3 and assess caucus and lastly group 4 and assess exchange of offers and drafting a settlement agreement. The other coaches will interchange using the same formula until all the four groups are coached.</p> <p>Role plays during the course ensure participant work with the widest range of fellow participants as possible METHOD - After every role play, we shuffle the groups and go through the above process.</p> <p>All participants mediate the same number of times in role plays - The number of role plays there are depends on the class size. We normally assign each group two role plays in</p>

	<p>different areas of practice (i.e., commercial mediation or commercial mediation etc.).</p> <p>Role plays are varied in subject matter and allow for practice of different stages of the mediation process - In our program, we have commercial mediation, workplace mediation, Family mediation, Community mediation and insurance mediation.</p> <p>With independent assessors now available , we are very objective when we assess and grade using our grading documents.</p>
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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>How is performance feedback given to participants on your course?</p>	<p>Experienced mediators provide written feedback at the middle and the tail end of the course to the participants and recommendations for improvement where necessary by using specialized forms, though most of the time they do it verbally, face to face with the participants after the role plays</p>
<p>Attach course feedback forms or guidance</p>	<p>See attachments (Mediator Assessment and Mediation Skills Assessment)</p>

Online programs

<p>Course design</p>	<p>We ensure that participants are fully engaged on the course for 45 hours by doing the following:</p> <ul style="list-style-type: none"> • We have Subscribed to Zoom video conferencing facility and we make sure our trainers are familiar with the functionality of this platform. We ensure our trainers, coaches, and assessors have adequate equipment and training in the use of the zoom platform.. • The Zoom platform is the best as the course content are delivered in an engaging manner, zoom has the necessary tools for breakout rooms for exercises, discussion, roleplaying, coaching and assessment. • We Provide written guidance on software and hardware requirements, and pre-course video conference practice sessions. • Our training takes three sessions per week spread over a period of five weeks and include live sessions of 180 minutes at a time, interspersed with frequent breaks. • We ensure that trainers are visible on-screen at all times and that coaches and assessors are able to hide their videos during role-plays so that participants do not feel intimidated by their presence. • The participants meet informally at the tail end of the course to build rapport and camaraderie. • For the participants who for reasons beyond their control are unable to participate in the 50 hours' course, we provide make up or remedial training to cover the missing components in order that the 50 hours' training is attained. Where the components missed are skills-related, we offer one-on-one
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	<p>training with the participant but this should not be more than 20% of the course</p> <p>For our registered participants :</p> <ul style="list-style-type: none"> • We Confirm in advance that they have basic computer skills including the ability to manage any technology challenges efficiently. • We have a requirement that they must have a laptop or desktop computer or a large tablet, a microphone and camera. We discourage the use of cell-phones . • We advise them to ensure that they have sufficient data and power to remain connected throughout the course. • We advise then to Arrange a suitably quiet and undisturbed location to be during the training.
<p>Provisions for participants not able to attend all 40 hours</p>	<p>For the participants who for reasons beyond their control are unable to participate in the 50 hours' course, we provide make up or remedial training to cover the missing components in order that the 50 hours' training is attained. Where the components missed are skills-related, we offer one-on-one training with the participant but this should not be more than 20% of the course</p>
<p>Preparing the participants</p>	<ul style="list-style-type: none"> • We Confirm in advance that they have basic computer skills including the ability to manage any technology challenges efficiently. • We have a requirement that they must have a laptop or desktop computer or a large tablet, a microphone and camera. We discourage the use of cell-phones. • We advise them to ensure that they have sufficient data and power to remain connected throughout the course.

	<ul style="list-style-type: none"> We advise then to Arrange a suitably quiet and undisturbed location to be during the training.
Informal meetings	<ul style="list-style-type: none"> The participants meet informally at the tail end of the course to build rapport and camaraderie. Our courses always include an in-person practice component arranged at any time during the duration of training , a day to be agreed with the participants.
Written component of post-course assignment	<p>Our courses always include an in-person practice component.</p> <p>We have four pre course assignments - the first one is a written examination done and due 10 days after the completion of the program , the second one is assessing mediation agreement drafting skills, due after one month after doing at least three mediation cases face or online, then we have a self assessment program , two months after the completion of the program. The last one is an action plan for the participant.</p>
Feedback on post-course assignment	<p>We mark the examinations and release results to trainees with recommendations on the areas of improvement , we do follow ups on drafting of mediation documents, We refer them to mentors for observations and co mediation to gain experience and guide them on marketing their skills.</p> <p>Our courses always include an in-person practice component.</p>

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>Does your course provide an assessment of a participant's competence as a mediator, and if so, how is this process undertaken?</p>	<p>ASSESSMENT PROCEDURE</p> <p>The Assessment has three components:</p> <ol style="list-style-type: none"> 1) a Role-play; 2) a Reflective Practice; and 3) a Written Exam. <p>Candidates must satisfy all three components of the Assessment in order to pass and receive Certification:</p> <ol style="list-style-type: none"> i. Role-play: Candidates will be evaluated on each core skill within a 1-5 value scale (5 = demonstrating exceptional competence, 1 = not yet demonstrating competence). Each candidate will be subjected to two assessments ,in at least two different roles plays with different assessors . ii. Reflective Practice: Candidates will submit two brief self-reflective essays; one completed before, and one completed after the Role-play. This component of the assessment encourages candidates to evaluate their own expectations and performance and demonstrate their ability to self-reflect on their actions. Reflective practice gives the impression whether the participant has gotten the substratum for the entire training; it is not graded. iii. Written Exam: The written exam will be based upon the course content covered in classroom training and will measure candidates' awareness of core mediation skills. The exam will be multiple choice format and true/false statements plus a written open book exam.
<p>Does your course provide an assessment of a participant's knowledge as a mediator, and if so, how?</p>	<p>Yes, through the written examination as stated above.</p>

<p>Process of appointing assessors on a course</p>	<p>CRITERIA FOR SELECTION OF ASSESSORS</p> <p>Candidate's Name:</p> <p>1. Education- At least a bachelor's degree in any field. (Experience in the field of expertise may be substituted as judged on a case-by-case basis.) Accept? Y/N (initial & date) Comments.</p> <p>2. Work experience- At least 3 years of mediation practice experience in all types of mediation. Accept? Y/N (initial & date) Comments.</p> <p>3. Training- Successful completion of a 50 hour Professional Mediation training course or equivalent. Accept? Y/N (initial & date) Comments.</p> <p>4. Assessment experience- Attendance at and/or participation in one or more previous assessments. Accept? Y/N (initial & date) Comments.</p> <p>5. Communication/ interpersonal skills- Demonstrates ability to communicate orally and in writing. Accept? Y/N (initial & date) Comments.</p> <p>6. Personal attributes: Ethical, open-minded, diplomatic, observant, perceptive, versatile, tenacious, decisive, self-reliant.-Demonstrates ability to apply personal attributes to enable candidate to act in accordance with assessment principles. Accept? Y/N (initial & date) Comments.</p> <p>7. Knowledge and skills in applying assessment technique in professional mediation training- Demonstration by training. Accept? Y/N (initial & date) Comments.</p>
<p>Clarification of passing criteria. How a student passes or fails this CMTP</p>	<p>EXAMINATIONS POLICY</p> <p>PROFESSIONAL MEDIATOR CERTIFICATION FINAL EXAMINATION</p> <p>Successful completion of the exam is a pre-requisite for</p>

Certification as a Professional Mediator

Core Values

The professional mediation Examinations promotes the following core values.

- Integrity
- Professionalism
- A spirit of continuous improvement

The professional mediation Examination shall be graded out of 100 marks and the pass mark shall be 40 marks, unless stated otherwise. The marks are translated into letter grades as follows:

Undergraduate Courses

70% to 100% A

60% to below 70% B

50% to below 60% C

40% to below 50% D

Below 40% E

Retake and Repeat Examinations

- A Participant, who fails in the aforementioned examination, shall be allowed to apply to the examination board for retake examination. Such a candidate shall apply for the retake examination within a period of not more than 14 days inclusive of Saturday and Sunday after the candidate has been notified of the result. A candidate for retake examination shall be required to register and pay the prescribed fee for the retake examination after being notified of the success of his/her application but not later than one month before the date of the retake examination.

	<ul style="list-style-type: none"> • The maximum marks in a retake examination shall be 40% <p>Appeal for Re-assessment</p> <p>A candidate who is not satisfied with the grade, which he/she has been awarded in the examination , may appeal to the examination board for a re-marking of the written examination paper upon payment of the appropriate fee, which shall be determined by the board from time to time. The grade and mark recommended by the examiner(s) after remarking shall be the final grade and mark awarded to the candidate for the unit.</p> <p>No appeal for re-marking of the examination shall be entertained in cases where the appeal has been submitted later than fourteen calendar days after the candidate has been notified of the result.</p> <p>For further information, contact our program officers Hesbon Peterson +254714390371 and Emma Oyando +254725538320</p>
<p>Next steps taken, should a student fail.</p>	<p>As written above -Retake and Repeat Examinations</p>
<p>Policy documents relating to assessment (optional / if applicable)</p>	<p>See attachments (criteria for selection of assessors, examination policy, trainee assessment policy)</p>

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	We have an elaborate mentorship program and continuous professional development programs. Our mentorship program has been working for the last two years and we have mentored more than 80 mentees who are qualified mediators serving the public.
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Complaints and Appeals Policy

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 policy	See attachment (appeals policy)
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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.	See attachment (conflict of interest policy).
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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
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Where mediator registration is required in a jurisdiction, trainers, coaches and assessors are registered as mediators.	Not Applicable
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. MTI will ask the mediator to issue a mediator evaluation to every disputant at the beginning of every mediation to evaluate the mediator confidentially and send a report directly to our office (report information is confidential). The information helps MTI monitor the quality of mediators in our roster and also helps MTI know how many mediations the mediator has according to the number of reports we receive.
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

<p>On-going feedback is sought from course participants, and given to those delivering the course.</p>	<p>Yes</p>
<p>Comments and/or explanations</p>	<p>There is no registration requirement in the country. The profession of mediation is at its infancy stage, but we are working on a mediation bill which may be tabled in parliament any time and then registration will be a requirement to ensure quality control. We operate from Nairobi to other countries, we normally do it online by email. There is a program officer in charge of that.</p> <p>In terms of accounting for TCA experience, we keep records of all the above (we have less than 1000 mediators in the whole country, so it is easy to monitor).</p> <p>For coaches and assessors coaching/assessing at least four role play sessions over 2 years, we keep a log of this. We maintain records for every attendance.</p> <p>Ongoing feedback is sought from course participants and given to those delivering the course both through written and verbal feedback. It is an interactive communication.</p>

<p>New TCAs are to be observed and given performance feedback by senior colleagues</p>	<p>Each TCA is supervised at least once a year and feedback is given by senior and experienced mediators who are chartered mediators and Distinguished Fellows.</p> <p>Note that chartered mediators are those who have experience of over five years and have undergone advanced training than professional mediators.</p> <p>Also note that Distinguished Fellows are those who have gone through a thorough scrutiny of their experience in practice of commercial mediation and have been inducted by the international academy of mediators. They are at the same level of experience of chartered mediators and they perform the same role.</p>
<p>Explain your peer review system for trainers, coaches and assessors</p>	<p>We conduct a peer review yearly by having an open discussion on the competencies required, the challenges faced in the field and how to tackle them and how trainers, coaches and assessors can keep improving their competence yearly. We mix the senior and experienced mediators, trainers, coaches and assessors with new trainers, coaches and assessors and we gauge the competencies accordingly.</p>
<p>Attach Train-the-Trainer Program</p>	<p>See attachment (train the trainer program).</p>
<p>Attach template feedback form</p>	<p>See attachment (accreditation of trainers and assessors).</p>
<p>Attach complaints policy for use should course participants wish to formally complain about a trainer, coach or assessor</p>	<p>See appeals policy.</p>