

## **40-hours Mediation Training Evaluation Criteria (Competency Framework)**

The ILSCA Mediation Training Programme trains the participants to be effective mediators as well as effective negotiating parties. Throughout the course, ILSCA tries to bring clarity to the participants about the competency of the mediator which they are expected to achieve. On the basis of the criteria set out below, the ILSCA attempts to ensure that the participants are aware these competencies that they are expected to possess in order to be efficient mediators.

Although the final marking criteria only evaluates mediators' performances, through the course of the training, participants are also encouraged to step into the shoes of parties in order to understand the process in a wholesome manner.

### **Stage I: Introduction**

**The mediator is expected to make a clear and concise opening statement that allows the parties to clearly understand the process of mediation, and invite the parties to deliver their positional opening statements.**

<b>Step</b>	<b>Criteria</b>
<b>1.</b>	<b>Mediator opening statement</b>
	Setting the tone
	Welcoming the parties
	Process of mediation
	Ground rules
	Addressing the parties correctly
<b>2.</b>	<b>Party opening statement</b>
	Playing the roles
	Introduction of the case
	Stating positions
	Conveying interests through opening statements

## Stage II: Communication/Exploration

Mediators are expected to explore new information and extract the relevant issues, understand the dispute, draw out the key issues that are in conflict between the parties, identify each party's underlying interests and explore any emotional or sensitive information that could prevent the dispute from settling amicably.

Step	Criteria
<b>3.</b>	<b>Mediator</b>
	Clarity of communication.
	Effective information gathering.
	Identifying interests, needs, goals, views and emotions.
	Using neutral and constructive language.
	Summarizing and reframing where needed.
	Effective use of active listening techniques.
	Asking for clarifications in a timely and appropriate manner.
	Dealing with impasse and obstacles.
	Time management
	Tracking progress and adapting the process to meet the circumstances of the discussion/needs of the parties.
	Effective use of the procedural tools to further the mediation.
	Supporting the negotiation through effective summarizing, identifying key information and impediments.
	Steps taken to prevent stalling and encouraging progress in the mediation.
	Managing conflicts at the table.
<b>4.</b>	<b>Party</b>
	Ability to advance interests throughout the mediation, while recognizing and accounting for the other parties' interests.
	Flexibility in adapting to the unexpected while advancing interests.
	Awareness and when appropriate, assertion of the Best Alternative to a Negotiated Agreement (BATNA).

### Stage III: Problem Solving

Mediators are expected to take a principled approach to negotiation. They need to encourage parties to resolve the dispute together, and encourage option generation. They are also expected to test any potential settlement and ensure that it is practical and binding.

Step	Criteria
<b>5.</b>	<b>Mediator</b>
	Effective preparation for the mediation.
	Neutral reframing of issues
	Building trust in the joint and private sessions.
	Effectively understanding parties' interests.
	Maintenance of neutrality throughout the negotiation.
	Appropriateness of the decision to call or not call a caucus.
	Helping parties separate their positions from their interests.
	Assisting the parties to understand the impact of the present dispute on their interests (BATNA, WATNA)
	Identifying Zone of Possible Agreement (ZOPA)
	Encouraging option creativity without any evaluative feedback
	Assisting in reality checking
	Dealing with impasse and obstacles.
	Response to offers and providing counter-offers.
	Consistency and conformity with the client's interests.
<b>6.</b>	<b>Parties</b>
	Seeking the mediator's help at the right time and in an appropriate manner.
	Constructive response to mediator's interventions.
	Seeking to be collaborative.
	Negotiating in good faith.

### Stage IV: Closure/Settlement

Step	Criteria
<b>7.</b>	<b>Parties And Mediator</b>
	Creativity of solutions.
	Response to offers and providing counter-offers.

	Consistency and conformity with the client's interests.
	Dealing with impasse and obstacles.
	Outcome achieved.
	Drafting of a settlement Agreement
<b>8.</b>	<b>General Conduct</b>
	Legitimacy of persuasion methods and ethical consideration of strategy.
	Appropriateness of demeanor and response
	Responding to emotions and concerns.
<b>9.</b>	<b>Cooperation Between the Mediators (where there is co-mediation)</b>
	Ability to work with a co-mediator.
	Division of labor.
	Supporting co-mediator.
<b>10.</b>	<b>Essential Competencies for Mediators</b>
	Maintaining confidentiality throughout the process
	Mentioning the confidential nature of mediation in every session
	Active listening skills
	Maintaining neutrality
	Building trust with the parties
	Time management