



## SCMA

### Application to become a Qualifying Assessment Program for IMI Mediation Advocacy Certification (MAQAP).

#### 1. General Requirements

Any MA-QAP must meet the following general criteria in order to be able to qualify professionals for IMI Mediation Advocacy Certification:

##### A. Methodology

All MA-QAPs must implement an assessment methodology for assessing whether each applicant's performance meets each of the Substantive Criteria in Section 2 below.

**Comment:** *The assessments may be based on written material, role-play or live action evaluations, other suitable methods, or any combination, and may include videotaped and online assessments such as web dramas, self-assessments, interviews, peer reviews, user feedback and other in-practice skill evaluations. Assessors must be experienced in representing clients in mediations and/or teaching/assessing mediation advocacy skills.*

The QAP assessment is based on a three stage training/assessment process, followed by assessed self-evaluation exercises:

- (i) The applicant to attend a dedicated, advanced training course comprising a minimum of 32 hrs to include tuition, exercises, group work and group discussion, and self tuition through a variety of media, focusing on three areas, using the perspective of party representative rather than that of mediator: process skills in mediation; interpersonal skills; strategy. This will include party and self-preparation, management, option generating, and effective use of the mediator.
- (i) At the conclusion of the course the applicant will be required to submit a short
- (ii) written paper on the advocate/advisor's role. Subject to mediation

and client confidentiality, this will take the form of a single case study prepared by him or her, describing an actual mediation case in which this applicant was involved, or prepare a case study based on several actual mediations in which this applicant was involved combined. The case study should consist of a minimum of 2 pages: minimum of 1 page with general information and minimum 1 page of confidential information for the party that was represented. The case study should clearly describe the parties involved, the setting, any legal issues propounded by each disputant, any non-legal issues arising from the dispute, the interests and positions of each party, the interests and positions of any relevant non-party, the parties' constituency, as well as any other relevant information.

- (iii) The live assessment by a minimum of two SCMA Assessors of the applicant's performance in a structured series of up to 3 role-play scenarios based on prior written materials and dilemmas, analyzing decision-making and strategic choices for mediation advocates/advisors. Observing assessors will provide feedback and ask a series of questions of the applicant, samples of which will have been posted on the SCMA website and provide in advance to the applicant.

### Assessment Exercises

The materials for the assessment role-play exercises will include

- (ii) a case study consisting of a general description and confidential background information for the party represented,
- (iii) instructions to draft a position statement for the mediator and a draft opening statement for the applicant and his/her client,
- (iv) a (draft) settlement agreement.

### Submission of Written Self-Evaluation

The applicant should *in addition to the above* send a self evaluation of his or her mediation advocacy skills based on at least 5 actual cases or 50 hours of mediation advocacy: the evaluation should focus in each case on (i) pre-mediation advice – whether to mediate in the particular circumstances, advantages and disadvantages (ii) mediator selection (iii) the mediation agreement; pre-mediation contact with the mediator (iv) pre-mediation preparation and planning – issues, interests, participants, roles, strategy, documentation, authority (v) pre-mediation conference with the party and participants; establishing BATNA, WATNA etc. (vi) drafting the position statement and opening address (vi) the mediation day – process, role and

relationship with mediator, relationship with client (vii) negotiation tactics (viii) settlement agreements (ix) evidence of broader knowledge of key areas – confidentiality and privilege, enforceability of mediation and settlement agreement; applicable law, including procedural law, within the appropriate jurisdiction; ethics.

SCMA will provide a template/model of the self-evaluation to applicants together with a list of FAQs.

The applicant should also submit a logbook. The logbook should state the months and year, amount and duration of mediation sessions, duration of the mediation (the start is calculated from the date of first contact with the parties, the end is the date of concluding the mediation or signing the settlement agreement), subject matter, type of parties, and others involved in the mediation, what kind of counsel/mediation advocate/advisor was representing the other party, the number of participants and whether or not settlement (in part) was reached, either at the mediation or afterwards.

The applicant must obtain an assessment of at least 80% of the available marking scheme in both the role-play and written parts to be taken into consideration. Candidates may not seek a re-assessment if necessary within three months thereafter. SCMA will publish its marking scheme on its website and to applicants.

### Evaluation

The case study and other materials will be reviewed by a panel of either two or three experienced practising mediation advocate/advisor assessors and assessed according to the relevant IMI Competency Criteria (see <http://imimediation.org/mediation-advocacy-criteria>). Assessors will be drawn from a pool of members of the SCMA Advisory Board or distinguished practitioners, invited and trained in assessment for the purpose. SCMA Advisory Board members are recognized as leaders in the field, but where appropriate will be trained in assessment.

### **B. Transparency**

The substantive criteria (i.e. assessment benchmarks applied by an approved MA-QAP) must be published and be openly accessible on the organization's website.

*Comment: Details of all approved MA-QAPs will be listed on the IMI web portal [www.IMImediation.org](http://www.IMImediation.org) and will include a direct link to each credentialing organization's website for that program.*

The programme and the criteria will be published on the SCMA website ([www.scmastandards.com](http://www.scmastandards.com)) when approved by ISC.

## **C. Integrity**

Each Assessor must have substantial experience of mediation advocacy and/or teaching/assessing mediation advocacy competency.

SCMA assessors will be trained by SCMA or by an appropriate independent assessor training body approved by SCMA and hired on a case-by-case basis as independent contractors. Assessors need to sign an integrity declaration for each assessment stating:

*“To the best of my knowledge, this mediation advocate/advisor has been assessed in line with my professional integrity, according to the SCMA standards and requirements for professional assessments and on an equal base (independent of personal preferences, a specific mediation practice style or approach, training, or training institutes, professional affiliation, region, gender, race, sexual orientation, religion, or other personal characterizations or affiliations). I hereby attest that all marks were placed independently and to the best of my ability. Also I ascertain confidentiality of and privacy for the documents, information gathered as part of this assessment as well if applicable any video materials.”*

All members of our faculty are practising mediators or mediation advocates and recognised as leaders in the field. In addition, we strive to select assessors from amongst those who hold IMI certification or who have already conducted assessment tasks in IMI certified QAPs.

## **D. Diversity**

The MA-QAP must be accessible on an equal basis to applicants regardless of their professional affiliations, gender, race, ethnicity, age, religion, sexual orientation or other personal characterization. This should be clearly stated on each MA-QAP's website.

The SCMA QAP is accessible on an equal basis to experienced mediators regardless of their professional affiliations, gender, nationality, race, ethnicity, age, religion, sexual orientation or other personal characterization.

There are no barriers for applicants to enroll in SCMA certification. SCMA will offer its MA-QAP for assessment to its Chapters in Nigeria and Italy, and will enable individual members to attend the role-play training and assessment at venues across the world if there is sufficient demand.

## **2. Substantive Criteria**

Any program qualifying candidates for IMI Mediation Advocacy Certification must

meet the following minimum substantive criteria with respect to all applicants:

### **A. Experience of the Mediation Process**

The MA-QAP must include a methodology for ensuring that Applicants have demonstrated to the satisfaction of the Program's Assessors experience of mediation as a client representative in at least five mediations. The QAP must include clearly identified criteria on this requirement.

Exemptions: IMI Certified Mediators

Mediators having acted as sole mediators in at least 10 cases/200 hours (in countries where there are no Qualifying Assessment Programs for IMI Certification).

The applicant must describe a case study based on an actual case or cases that the applicant took part in as a mediation representative and submit a self evaluation of their performance in at least 5 cases or 50 hours of mediation advocacy, as detailed above.

### **B. Knowledge of Mediation Advocacy**

The MA-QAP must include a methodology for determining that Applicants have demonstrated a strong understanding of general mediation advocacy theory and practice.

Written tests, essays, reports, theses and interviews may be used to determine such knowledge. Applicants are expected to be tested on and exhibit a comprehensive understanding of Mediation Advocacy theory derived from the leading international textbooks on the subject (as listed in the annotated bibliography at:

<http://IMImediation.org/mediation-advocacy-bibliography2>).

MA-QAPs may use the listing of Core Competency Knowledge Elements set out in Annex 1.

The applicant should submit a written self-assessment. The self-assessment should be prepared by the applicant himself or herself and be based on at least 5 mediations as a mediation representative or at least 50 mediated hours in past 3 years prior to the assessment. The self-assessment should be a summary of the experience and learning points of those mediations, including what went well, what the mediation advocate could have done differently and why, as well as a list of the applicant's strong skills and areas of development. SCMA recognizes the content of the self-assessment will be subject to the requirements of confidentiality attaching to the mediations referred to.

If not satisfied with assessment of the applicant's role-play exercises and self-evaluation, together with supporting documents, where the candidate scores a borderline mark, the assessment panel may call for, as an additional part of the assessment procedure, a designated assessor to hold a 45-60-minute interview with the mediation advocate dealing with theory and background knowledge to establish sufficient understanding of mediation-, conflict- and

negotiation theory and especially mediation advocacy theory. The candidate needs to successfully pass the interview with the assessor by reference to a series of questions put during the interview.

### **C. Practical Mediation Advocacy Skills**

The MA-QAP must include a methodology for the assessment of performance as a mediation advocate against a variety of benchmarks that together demonstrate mediation advocacy competency. The assessed benchmarks may be based on role-play or live action assessments, and may include videotaped and online assessments such as web dramas, self-assessments, interviews, peer reviews, user feedback and other in-practice skill evaluations. The ISC expects that the methodology used by MA-QAPs will address all the Practical Skills sections and sub-sections in Annex 2 and will be sufficiently detailed (in the view of the ISC) to attest to an applicant's demonstrated high level of competency as a Mediation Advocate/Advisor. However, it is not expected that all detailed Practical Skills listed in Annex 2 will be assessed in the same depth, and MAQAPs will be free to assess other practical skills not listed in Annex 2. The ISC will take these issues into account when deciding whether to approve MA-QAP applications.

Further to the self assessment contents referred to above, the applicant must describe how he or she will prepare for and initiate this case, including finding the mediator; design an appropriate process; what dilemmas and strategic choices they might be faced with. SCMA will provide a template and model answer.

The applicant must describe what is necessary to effectively keep this process with these parties on track, what factors may be influencing the process including how to adapt the process accordingly and design appropriate interventions as a mediation representative.

SCMA proposes to offer the title 'IMI Certified Mediation Advocate' as its top-tier standard of accreditation for those having a legal background and/or having fully completed a legal university education (lawyers, judges, notaries, law students, corporate counsel) and those experienced as professionals in representing parties in judicial or quasi-judicial tribunals or arbitral or disciplinary tribunals, including chartered surveyors and valuers, chartered engineers, architects, accountants, chartered insurers, claims managers and loss adjusters, according to the rules of *locus standi* in their relevant jurisdiction.

The title 'IMI Certified Mediation Advisor / SCMA accredited Mediation Advisor will be offered to everybody else (Managers, financial experts, psychologists). Those who can fall into both categories are allowed to use both titles interchangeably.