



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

www.IMImediation.org

Pakistan Mediators Association (PMA)

IMI Certified Mediator Training Program

The Organisation

Legal name Pakistan Mediators Association

Contact details Pakistan Mediators Association, C/o Associated Builders (Pvt.) Ltd.
106 Cotton Exchange Building, I.I. Chundrigarh Road, Karachi, PAKISTAN;
Landline: +92 213 241 6351 - 2

Website <http://www.pma.org.pk/training-courses/>

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	2013
Training course registered in accordance with	Yes

jurisdiction requirements	
Locations and Languages	Pakistan - All Four Provinces including the Federal Capital Territory of Islamabad; Languages: English, Urdu, Sindhi, Gujrati, Punjabi, Pushto; Quality standards will be implemented and monitored, internally by PMA's Faculty across Pakistan. This also involves Quality Assurance based on feedback forms evaluated and screened internally.

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 Annexes Course schedule and breakdown, Mediation course
Mediation principles - neutrality, voluntary nature, confidentiality, party self-determination, process	Mediation principles – neutrality, its voluntary nature, confidentiality, party self-determination; and process – the opening statement by the mediator, the steps of mediation and the mediator's role within each step are all covered in the PMA Accreditation Program of Day 1. These are emphasised throughout the 5 days Program during role plays and discussions. Program also covers history of

	mediation; international development and trends at the end of Day 1. Please see attachments.
The roles of legal counsel and representatives	The roles of legal counsel and representatives is also specifically covered throughout the 5 Days PMA Accreditation Program on Days 1 and 2 and throughout the course of the program as the Role-plays have roles of lawyer enabling participants to observe lawyer behaviour in a negotiation. Program also includes legal framework for mediation and settlement; administrative procedures required in Pakistan for pre-trial mediation or mediation referral from Courts; court-connected or programme specific laws/rules relating to Court-annexed mediation. Please see attachments.
Overview of negotiation and conflict resolution theory	An overview of negotiation and conflict resolution theory in covered on Days 1 and 2 and is clearly in play in the exercises and role plays throughout the course of the 5 days accreditation program, including, inter alia, Ten Coins Exercise, Approaches to Negotiation, Making the First Offer, etc. Please see attachments.
Mediator ethics, including appropriate local ethical standards	Mediator ethics, including any appropriate ethical standards existing in Pakistan are also covered in the PMA 5-Days Accreditation Program. Please see attachments.
Forms of listening skills and communication strategies	Forms of listening skills and communication strategies are inter-spread throughout the 5-days program including in role-plays. Topics covered include inter alia, Active listening, handling emotions, non-verbal communication skills, matching and mismatching, etc. Please see attachments.

Process management skills, including the use of joint and private meetings	Process management skills including but not limited to the use of joint and private meetings are inter-spread throughout the 5-days program including in exercises, discussions role-plays including Mediator Interventions, etc. Please see attachments.
Negotiation strategies and skills to manage the content of the dispute	Negotiation strategies and skills to manage the content of the dispute, are inter-spread throughout the 5-days program including in group discussion, exercises and role-plays on topics such as ZOPA, etc. Please see attachment.
Ways of responding to the diverse behaviours of the parties	Ways of responding to the diverse behaviours of the parties, including breaking the deadlock, etc. are inter-spread throughout the 5-days program including in role-plays. Please see attachment.

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 Annex – Competencies grid.
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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	40 to 44 hours
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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	Not more than 24
Maximum trainer to participant ratio	1:7
Overall approach to class size or trainer-participant ratio	Teacher and participant ratio is maintained at 1:7 on the first two teaching days and increases on subsequent days for coaching and assessment. Class size never exceeds 24; minimum class size is 12 participants; Teaching faculty for Days 1 and 2 is 3 trainers; Day; Coaching Day is 3-4 trainers, with two new trainers; Assessment Days 5 and 6 involves upto 6 trainers. In order to maintain standards trainers on days 4 and 5 trainer participant conflicts are avoided with delegates coached and assessed by trainers on Days 3 and 4).

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%

<p>Lecturing, knowledge input, presentation</p>	<p>Pre-Course Reading (Reading the IFC Mediation Manual Plus 10 Role-Plays, including General Information and Confidentials, assuming 30 mins reading time per role-play)(Note - Faculty Demo Role Play "Personal Computers) content shared with delegates is excluded). All docs available in English and Urdu language [90 mins out of total 390 mins (23% of Pre-Course Reading)]</p> <p>Lecturing, knowledge input, presentation DAY 1 (TEACHING & TRAINING) - 142 mins (33%) DAY 2 (TEACHING & TRAINING) - 90 mins (18%) DAY 3 (COACHING) - 45 mins (8%) DAY 4 (FIRST ASSESSMENT) - 10 mins (2%) DAY 5 (SECOND ASSESSMENT) - 25 mins (4%)</p> <p>Post Course – Drafting Settlement Agreement on Terminal Lighting; Personal Reflection Statement. Nil</p> <p>TOTAL LECTURING, KNOWLEDGE INPUT, PRESENTATION Total 2,640 mins with Reading Time ("RT") included - 312 mins (12%) Total 2,400 mins w/o RT - 312 (11%)</p>
<p>Exercises and discussion</p>	<p>Pre-Course Reading (Reading the IFC Mediation Manual Plus 10 Role-Plays, including General Information and Confidential, assuming 30 mins reading time per role-play). All docs available in English and Urdu language [90 mins (23%)]</p> <p>Exercises and discussion DAY 1 (TEACHING & TRAINING) - 213 mins (49%) DAY 2 (TEACHING & TRAINING) - 240 (48%) DAY 3 (COACHING) - 40 mins (7%) DAY 4 (FIRST ASSESSMENT) - 35 mins (6%) DAY 5 (SECOND ASSESSMENT) - 30 mins (5%)</p> <p>Post Course – Drafting Settlement Agreement on Terminal Lighting; Personal Reflection Statement - 60 mins (100%)</p>

	<p>EXERCISES AND DISCUSSION</p> <p>Total 2,640 mins with Reading Time included - 618 mins (23%)</p> <p>Total 2,400 mins w/o RT - 312 (28%)</p>
Role-playing, coaching, and feedback	<p>Pre-Course Reading (Reading the IFC Mediation Manual Plus 10 Role-Plays, including General Information and Confidentials, assuming 30 mins reading time per role-play) (Note - Faculty Demo Role Play "Personal Computers" content shared with delegates is excluded). All docs available in English and Urdu language [300 mins out of total 390 mins (77% of Pre-Course Reading)]</p> <p>Role-playing, coaching, and feedback</p> <p>DAY 1 (TEACHING & TRAINING) - 80 mins (18%)</p> <p>DAY 2 (TEACHING & TRAINING) - 160 mins (33%)</p> <p>DAY 3 (COACHING) - 450 mins (85%)</p> <p>DAY 4 (FIRST ASSESSMENT) - 510 mins (92%)</p> <p>DAY 5 (SECOND ASSESSMENT) - 510 mins (91%)</p> <p>Post Course – Drafting Settlement Agreement on Terminal Lighting; Personal Reflection Statement – None</p> <p>ROLE-PLAYING, COACHING AND FEEDBACK</p> <p>Total 2,640 mins with Reading Time included - 1,710 mins (65%)</p> <p>Total 2,400 mins w/o RT - 1,470 mins (51%)</p>

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.

<p>In what format and how far in advance do participants receive general course materials and confidential role play briefs?</p>	<p>Participants are usually provided with hardcopy of training files two to three weeks in advance. The folder consists of IFC Manual on Mediation (in Urdu and English language), local mediation laws, model mediation clauses, model settlement agreement, local mediation stories and includes information on the role-plays and confidentials for each participant. Softcopy of materials is also available in electronic format in ms-word and pdf format on request. Legally blind participants have been emailed materials in ms-word format. The Pre Course Action Plan shared with delegates as part of the folder encourages participants to come prepared with the reading materials including confidentials and familiarize themselves with the role plays. The Mediation Handbook in Urdu language could not be uploaded on IMI website on account of exceeding size limit and is available on request.</p> <p>The 5-days accreditation course is structured with Days 1 and 2 dedicated to class study with demos and mock role play taking place over the first weekend; while Days 3, 4 and 5 consisting of Coaching and Assessment Days take place the following weekend. As participants are non-native English speakers this also allows adequate preparation time to read and understand confidentials and reflect on learnings from Days 1 and 2.</p>
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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	Yes

<p>Role plays during the course ensure participant work with the widest range of fellow participants as possible</p>	<p>Yes</p>
<p>All participants mediate the same number of times in role plays</p>	<p>Yes</p>
<p>Role plays are varied in subject matter and allow for practice of different stages of the mediation process</p>	<p>Yes</p>
<p>Comment where guidelines are not met</p>	<p>PMA Accreditation courses meets ALL guidelines as described above. Additionally, mediator assessment days 4 and 5 involving role plays are also video recorded and kept as part of PMA records in the event of challenge or appeal by participants.</p> <p>The content of PMA's training, designed by CEDR, emphasise the practical application of the skills, which either the new mediator finds particularly difficult or which experience has shown are crucial for commercial mediators. Delegates need to have a critical, theoretical and practical understanding of the importance of relationship, process and content skills for effectively mediating commercial disputes.</p> <p>To achieve this, the course uses a number of different training methodologies to facilitate participants' learning.</p> <p>A Theory</p> <ul style="list-style-type: none"> · Theoretical pre-course reading · Presentation of information

	<p>B Participative Skills exercises</p> <ul style="list-style-type: none"> · Negotiation skills · Effective questioning · Use on non-verbal communication <p>C Simulated role-plays of commercial disputes</p> <ul style="list-style-type: none"> · Participants get to act as a mediator at least 4 times during the course as well as play the role of parties and lawyers to enable them to see a dispute from all perspectives <p>D Group lead learning debriefs facilitated by trainer</p> <ul style="list-style-type: none"> · In order to reinforce learning both from exercises and role play, trainers facilitate debrief sessions to draw out learning points <p>E Personal coaching and one-on-one feedback</p> <ul style="list-style-type: none"> · The high trainer ratio allows all learners to receive detailed coaching during their performance as mediators on role-plays. In addition at the end of these role plays, each learner is given three 15 minute private sessions of one to one feedback from experienced mediators on Coaching Day prior to being given two (2) opportunities of assessment on Days 4 and 5 <p>F Reflective Learning</p> <ul style="list-style-type: none"> · Learning logs · Post course self-assessment
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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).

How is performance feedback given to participants on your course?	The performance feedback is given as per the CEDR Guidelines for Giving Feedback (2011) which was shared by CEDR with the PMA Faculty Team. Copy of PMA's Guidelines is attached.
Attach course feedback forms or guidance	See Annex - Guidelines for Giving Feedback, Annex - Faculty Assessment Score Sheet

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.

Does your course provide an assessment of a participant's competence as a mediator, and if so, how is this process undertaken?	<p>While informal on-going continual assessment continues to take place throughout the PMA accreditation course, the course assesses participants on Days 4 and 5 based solely on performance during a role play spread over the two (2) days. Assessments are recorded; however they are assessed live and shared with Lead Faculty at the end of the Day Faculty Meeting.</p> <p>The PMA Mediation Accreditation course is designed to assess, certify or accredit a participant as having the necessary skills and knowledge to mediate a dispute competently. Pre-assigned Faculty carry out an actual assessment of the participant's mediator competence, as compared to PMA's own competency framework, developed under Section A.3. of these guidelines in relation to assessment of a mediator's skills. The exercise is carried out using a participant's performance during a role play.</p>
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	<p>Each participant gets two (2) opportunities to role play as Mediator and gets the opportunity to have a go at mediating two different assessment sessions which are assessed by two different assessors who have not coached the participant. This supports fairness and avoids assessor bias.</p> <p>Each assessment roleplay is for a minimum of one hour of roleplay time each session, not including any time needed to draft a settlement agreement.</p> <p>Mediation knowledge is also assessed, through a post course assignment, and is consistent with the knowledge requirements set out in PMA's competency framework.</p>
<p>Does your course provide an assessment of a participant's knowledge as a mediator, and if so, how?</p>	<p>At the end of the role-play of the participant as a mediator, the Faculty has a discussion with the participant providing feedback as per the Competencies Framework without (never) disclosing the assessment recorded on the sheet. Participants are assessed according to the core competencies and their knowledge as a mediator on Relationship, Process and Content skills and information handling. The feedback to participants is also recorded. Post Course the Assessment sheet is retained by PMA for those who may wish to obtain a copy of the same.</p> <p>Copy of PMA Certification Guidelines for 5-days Mediation Skills Accreditation Course consisting of 3 sheets is attached.</p>
<p>Process of appointing assessors on a course</p>	<p>PMA maintains a panel of assessors who have successfully completed the CEDR Train the Trainer Program. Assessors are appointed on basis of availability and feedback gathered from feedback forms collected from previous trainings and courses.</p>

<p>Clarification of passing criteria. How a student passes or fails this CMTP</p>	<p>Assessment on the PMA CMTP is made against six (6) competencies comprising of Relationship, process and content skills which are assessed by PMA faculty members. The remaining two (2) competencies are assessed through written work submitted after the completion of the course.</p> <p>The guidance under each competency identifies activities, skills and approaches that may be used to demonstrate competence. The guidance under each competency is exactly that – guidance. It is unlikely that a candidate will have the opportunity to exhibit all the points listed. The list is not exhaustive.</p> <p>The assessment categories are as follows:</p> <p>O Outstanding = the mediator demonstrates great ability in this competency</p> <p>C Competent = the mediator is competent</p> <p>W Working towards = the mediator achieves some attributes and is working towards the required level of competence</p> <p>N N = the mediator does not achieve the competency</p> <p>I/E I/E = insufficient evidence. There was no opportunity for the mediator to exhibit competence in this area</p> <p>PMA Accredited / Certified Mediator status is confirmation that an individual has demonstrated competence in mediation to the assessing faculty members of PMA in a training course environment. To gain Certification status it is necessary to attend the Mediator Skills Training Course on Conflict Resolution (Days 1, 2 and 3) and to complete the following assessment process successfully (Days 4, 5 and Post-event).</p> <p>On the final two days (Days 4 and 5) of the mediator skills training course delegates are assessed rigorously against a set of six competencies agreed by PMA faculty members for</p>
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	<p>the PMA Mediation Certification. If an assessor feels that there is insufficient evidence on which to grade through no fault of the candidate, then they will mark the relevant competency I/E. This is then discounted during the marking process.</p> <p>Delegates are also asked to complete two written post-course assignments: (i) a settlement agreement; and (ii) a self-assessment, both of which are assessed by PMA Faculty. The two assignments in either ms-word format or scanned document should reach PMA no later than two weeks from the date of the final day (Day 5) of the Training and Assessment Project at the email address given herein below.</p> <p>Attn. Pakistan Mediators' Association pmamediators@gmail.com</p> <p>Pass - delegates achieve certification if over the two assessed days combined, attain:</p> <ul style="list-style-type: none"> • a majority of Cs or O grades (at least 7 Cs); and • a minimum of 2 Cs on each day • no more than 1 N grade over the two assessed days • at least one C in five of the six individual competencies; and • no fewer than 2 Cs under each of the headline areas of competence – Relationship, Process and Content (R, P and C). <p>Delegates must achieve at least 1xC and 1xW in the post course assignments. If the scores achieved are lower than this, the delegate will be asked to redo either or both of the assignments in order to satisfy the necessary standard for certification. No quota for certification of mediators under this program has been set by PMA Faculty, so that in theory all delegates can achieve certification.</p>
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<p>Next steps taken, should a student fail.</p>	<p>Delegates who do not achieve certification, but whose scores on one day give a positive indication that the delegate would achieve certification if they undertook further skills training, will be offered the opportunity of further assessment.</p> <p>Fail - delegates who do not achieve accreditation, and whose overall assessment levels do not indicate that the delegate would achieve accreditation even if they undertook further skills training, are awarded the Certificate of Attendance of 3-Days Foundation Course in Mediation Skills as an acknowledgment of their participation.</p> <p>They are encouraged to seek advice from the PMA Faculty as to their prospects of achieving certification in the future. If there is a chance / opportunity for re-assessment or a genuine appeal and clear doubt, then as a matter of discretion, the Director of Training will assign another member of the Faculty to review the video of the Assessed Candidate (all assessments are videotaped and recorded for such appeal although not encouraged).</p>
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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.

<p>Indicate what your organisation does to facilitate participants' development as mediators</p>	<p>Achieving PMA certification under the PMA Accreditation Program is no guarantee of receiving work as a mediator. PMA Certification does not offer any guarantee of lead or assistant mediation appointments from PMA. However, once a delegate is accredited s/he may become a member of the Pakistan Mediators Association (PMA) and get</p>
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	involved in its various activities, which includes mediation opportunities as and when they arise.
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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 Annex – Complaints policy
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Conflicts of Interest

<p>Please outline what steps you take to avoid any potential conflicts of interest between trainer/coaches/assessors and participants on your course.</p>	<p>PMA Faculty ensures that faculty involved in coaching participant does not assess the same participant on Assessment Days.</p> <p>No Participant is assessed by the same member of Faculty on Days 4 and 5.</p> <p>Trainers are avoided as assessors except as a matter of last resort in case of no-show by a faculty member.</p> <p>Participants may also be conflicted or may become uncomfortable with their supervisor or direct report attending the same accreditation program and if indicated by any participants they will be separated</p> <p>List of participants registered for PMA Accreditation Course are circulated for conflict</p>
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	<p>checks. In case of conflict with Faculty, participant having conflict will neither be coached nor assessed by the conflicted member of faculty.</p> <p>Finally, PMA has developed a Conflict Avoidance Checker and Delegate Allocation MS-EXCEL sheet (attached) which ensures widest circulation of delegates and avoids faculty conflicts throughout the progression of the 5-Days Course. A softcopy of the MS-Excel sheet is attached.</p>
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Trainers, Coaches, and Assessors

<p>Anyone seeking to act as a TCA has successfully participated in a mediation training course which meets the requirements set out above.</p>	<p>Yes</p>
<p>Where mediator registration is required in a jurisdiction, trainers, coaches and assessors are registered as mediators.</p>	<p>Yes</p>
<p>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.</p>	<p>Yes</p>

<p>Trainers attend ‘train the trainer’ training of at least 18 hours, broadly covering topics set out in the IMI guidance notes</p>	<p>Yes</p>
<p>Coaches and assessors undertake a course broadly covering topics set out in the IMI guidance notes</p>	<p>Yes</p>
<p>Trainers deliver at least one basic mediator skills training course or refresher course every two years</p>	<p>Yes</p>
<p>Coaches and assessors coach and/or assess at least four role play sessions over the course of two years.</p>	<p>Yes</p>
<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>ALL PMA TCAs are CEDR Accredited Mediators practising mediation. Additionally, 90% of the PMA Faculty has successfully completed the CEDR Train the Trainer Program. Finally, atleast two of the PMA Faculty Members are currently part of the CEDR Faculty.</p> <p>During the 5-days Course, video recordings of the Assessment Days are retained for review purposes. Additionally, PMA Faculty will rotate and give feedback on feedback given by the Faculty on Coaching and Assessment Days as part of the Continuing</p>

	Professional Development Program at PMA.
New TCAs are to be observed and given performance feedback by senior colleagues	New TCA who have passed the ToT Program joining the PMA Faculty are given shadow and supportive assignments in their first outing. Thereafter they will deliver the same session shadowed earlier by them in the previous training and gradually build their confidence. New TCAs are also encouraged to give feedback on feedback. The faculty will discuss performance at the end of the day including with New TCAs.
Explain your peer review system for trainers, coaches and assessors	All PMA Faculty are required to complete Assessment Forms and submit the same on a confidential basis to the Director of Training during the course of 5-Days accreditation program. The sheets gathered are then reviewed by the Training Committee.
Attach Train-the-Trainer Program	See Annex – Train the trainer program
Attach template feedback form	See Annexes – Evaluation forms