

STRUCTURE OF CIVIL AND COMMERCIAL MEDIATION TRAINING COURSE

Overview

The Course is extremely interactive with a heavy emphasis on interactive exercises, practice and many role plays.

The teaching is front loaded, so that delegates have learning which they can then put into practice. Delivery reduces noticeably day by day, to allow the practice of role plays to conversely increase. This is partly due to the previous point, but additionally, delegates will become more familiar with each other and more comfortable with role playing as the week increases. For this reason, Day 1 is mostly delivery, however there are plenty of stimulating interactive activities and exercises for delegates to enjoy, with a view to generating enthusiasm and interest.

Depending on numbers, the aim is for delegates to act as co-mediators the first day or so, before then going solo. This is because they are gaining confidence in their skills on the course but also they are likely to co-mediate when gaining experience in practice. They will act as parties as well as mediators during the role plays, as a lot can be learnt by acting as a party.

Observation of role plays will steadily increase over the 5 days. At first, delegates are self-conscious being watched but they will become quickly used to being observed with valuable feedback. Feedback generally will be delivered at the end of a practice session, but this does not preclude delegates/observers asking for time out during practice time to consult on approaches. Constructive peer feedback is encouraged.

Each day starts at 9.00am and the day ends no earlier than 6.30pm.

DAY 1

Registration and introductions of trainers and delegates

Introduction to the course

– what to expect, assessment, practicalities etc

Mediation Theory

- the Process of mediation
 - o the Ethos of mediation
 - o Principles of mediation
- The Mediator
 - o the Mediator's Role
 - o the Principles of the Mediator (including Ethics)
- Advantages and Disadvantages of mediation (interactive)

Mediation Practice Part 1

- Pre-Mediation work
 - o Agreement to Mediate
 - o Position Statement
 - o Pre-mediation Contact (exercise)

Starting the Mediation

- o Opening Statement of the Mediator (demo and practice)
- o Opening Statements of the Parties
- o Conference/Joint session
- o Caucus/Private sessions
- o Rapport with the parties
- o Identifying key Issues
- o Co-mediation
- o Demo
- o Role Play with positions only

- Group feedback

Mediator Skills

- Active Listening
 - What AL means
 - The role/importance of AL
 - Body language
 - Demonstrating you've listened
 - Exercise in listening and absorbing information
- Obtaining Information
 - Open questions
 - Closed questions (when to use)
 - Acquiring detail (piggyback questioning exercise)
- Other Mediator techniques in the toolbox
 - Reframing
 - Normalising
 - Process Opinion vs Case Opinion
 - Mutualise
 - Mirroring

Conclusion/homework

DAY 2

Consolidation of Day 1

- Recap
- Q&A
- Role Play to practice skills in Day 1
- Group Feedback

Negotiation in Mediation

- Positions
- Interests
- Positional bargaining
- Principled negotiation
- Relevance to mediator and dealing with different negotiation techniques

Mediation Practice Part 2

- Identifying Positions and Interests
- Detail on Issues
- Prioritisation
- Demo
- Role Play from Day 1 – with interests introduced
- Group Feedback
- Role Play to practice all learnt so far

Theory of Conflict

- What is conflict (interactive)
- The effect of conflict (Amygdala Hijack)
- Attribution theory
- Perceptions
- Moore Circle of Conflict

Mediation Practice Part 3

- Role Play – fishbowl

Assessment criteria explained

Conclusion/homework

DAY 3

Consolidation of Day 2

- Recap
- Q&A
- Role Play 5 to practice skills in Day 1 and 2
- Group Feedback

Mediation Practice Part 4

- Solutions
 - o Generating Options
 - o Creativity (wider options than court)
 - o 'The Easy Win'
 - o Dealing with Offers
 - o Process Opinion on Offers
 - o Reality Testing
 - o Workability and Practicality
 - o Final Joint Meeting
 - o Settlement Agreement
- Demo
- Delegates choose a previous Role Play to practice Solutions
- Group Feedback

Mediation Practice Part 5

- Free Practice – delegates practice elements they choose, with new role plays or work on previous ones
- Role Play fishbowl (group decides elements to practice as a whole)

Preparation for mocks

Conclusion/homework

DAY 4

Review

- Going over key skills
- Q&A

Mock practices with feedback

Group feedback

Practice requirements

- observations and CPD requirements explained
- the CMC – their role, the importance of registration and how to register

Preparation for assessments

Conclusion/homework

DAY 5

Final Q&A and practicalities of the day

Final practices

Assessments

Conclusion/finalities